

Steve Boschma Dairy		
Elmore County, ID	MICROFILMED	Scale 3" = 1 mile
T 2 S, R 5 E, S. 31 & 32	MAR 29 2001	Prepared by: Darwin Vander Stelt

STATE OF IDAHO

County of ELMORE

On this 24th day of May, 1994, before me, a Notary Public, personally appeared NORMA ESSON STEWART, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Notary Public for IDAHO
Residing at BOONVILLE, IDAHO
Commission Expires 12-15-98

STATE OF IDAHO

County of ELMORE

On this 24th day of May, 1994, before me, a Notary Public, personally appeared BEVERLY ESSON FRANSEN, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Notary Public for IDAHO
Residing at BOONVILLE, IDAHO
Commission Expires 12-15-98

STATE OF IDAHO

County of ELMORE

On this 24th day of May, 1994, before me, a Notary Public, personally appeared NEIL ESSON, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public for IDAHO
Residing at BOONVILLE, IDAHO
Commission Expires 12-15-98

MICROFILMED

MAR 29 2001

STATE OF IDAHO)
) ss.
 County of ELMORE)

On this 24th day of May, 1994, before me, a Notary Public, personally appeared JERRY H. STEWART, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


 Notary Public for IDAHO
 Residing at BOZEMAN, MONT.
 Commission expires 07/01/95


STATE OF IDAHO)
) ss.
 County of ELMORE)

On this 24th day of May, 1994, before me, a Notary Public, personally appeared LARRY EASON, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


 Notary Public for IDAHO
 Residing at BOZEMAN, MONT.
 Commission expires 07/01/95

STATE OF IDAHO)
) ss.
 County of ELMORE)

On this 24th day of May, 1994, before me, a Notary Public, personally appeared JOSEPHINE ANCHUTSKUI, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.


 Notary Public for IDAHO
 Residing at BOZEMAN, MONT.
 Commission expires 07/01/95

MICROFILMED

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LEGAL DESCRIPTION

Township 3 South, Range 4 East, Boise Meridian, Blaine County, Idaho

Section 1: lot 1

Township 2 South, Range 3 East, Boise Meridian, Blaine County, Idaho

Section 31: NW1/4
N1/2S1/2
lots 1, 2, 3, and 4

Section 32: W1/2W1/2NW1/4
NW1/4SW1/4NW1/4
NW1/4NW1/4NW1/4

Township 3 South, Range 3 East, Boise Meridian, Blaine County, Idaho

Section 6: Lots 3, 4, and 5
SE1/4NW1/4

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Attachment C Flow, Volume, and Allocation Calculations

Amount of water (afa) to be transferred	218	(From Dairy worksheet, Attachment A)
	% Volume Acres to dry	
Stockwater	52% 127.2	52.9 (volume needed/consumptive use/acre)
Commercial	48% 90.8	37.8 (volume needed/consumptive use/acre)
Historic consumptive use per acre		2.40 (From Attachment C. Crop history etc)
Acres to dry up in Section 31	91	(From Dairy worksheet, Attachment A)

To determine acres irrigated and flow under each license:

Total flow from notation on right: 11.36 (flow is divided among 3 rights)

Total Flow for each license:

Priority	Acres	Flow (cfs)	Flow/acre (cfs)	
1/10/76 61-07247B	60	1.20	0.020	earliest priority date license limited to 1.20 cfs
4/1/76 61-07263	165	2.40	0.015	next priority date license and is limited to 2.4 cfs
6/10/76 61-07264	557	7.76	0.014	is the last license and is limited to (11.36-2.4-1.2)
	722	11.36		

(These two rights together are limited to 3.6 cfs by note on right 61-07247B)

Allocation of flow under license	61-07264	after transfer:
Total licensed flow	11.14	cfs
Acres irrigable	557	
acres irrigable (after transfer)	466	(557- 90.7 acres out of production)
flow for irrigation	9.87	(acres irrigable X's licensed flow/acre)
acres out for stockwater	52.9	(from dairy worksheet)
flow for stock water	0.74	(acres out X's licensed flow/acre)
acres out for Commercial	37.8	(from dairy worksheet)
flow for Commercial	0.53	(acres out X's licensed flow/acre)
total flow after transfer	11.14	cfs (total of the three flows)

Allocation of Volume after transfer:

Total Diversion:

61-07264	2506.5	ac-ft	(from license)	2506.5 af = 4.5 af/acre per license.
deduct dairy water	364	362.8	(4 ac-ft x 91 acres out)	-409.5 af = 4.5 x 91
Tot. diversion/irrigation	2142.5	2144	acre-ft/annum	2097.0
Tot. diversion/ commercial		91	(from dairy worksheet)	+ 218.0 (Dairy)
Tot. diversion/ stockwater		127	(from dairy worksheet)	2315.0
Total allowable diversion after transfer	2340.5	2362		

APPENDIX E

LAGOON STORAGE VOLUME WORKSHEET

Manure into lagoon: %
Milk Cows 55% Parlor and holding pen
Dry Cows 40% Corrals with flush alley + calving barn with flush
Heifers 0% Corrals with flush alley for breeding pen, calves

Separator efficiency 68%

6 Manure into lagoon in cu.ft./day 1,126

Wash Pen:

7 Number of sprinklers in holding pen 150

8 Sprinkler output in gallons per minute (gpm) 4.04

(@50 psi 9/64 = 4.04; 5/32 = 4.98;

11/64 -- 6.01; 3/16 - 7.18)

9 Minutes per day sprinklers are used: 120

No. of Strings 12

Minutes/String 5

Number of milkings per day 2

10 Days run per year 365

11 Total wash pen water in Gals/day (Lines 7 X 8 X 9 X (line10/365) 72,720

Milkhouse and parlor:

	gals/optn.	x's/day	Gals/day
Bulk Tank	250	1	250
Pipeline	250	2	500
Backflush	0.5	2	3060
Cleanup	1500	2	3000
Cow Prep	0.25	2	1530
Plate Cooler (ignore if recycled)			
12 Total Milkhouse and parlor in Gals/day :			8340
13 Total Milking Center Water in Gals/day			81,060
14 Total Milking Center water in cu.ft/day			10,808
Days storage required		180	
15 Total storage required for Manure and barnwater (Cu.ft)			2,148,046
Total volume of liquid waste produced per year			4,355,760

Runoff Calculations :

Area1 length in ft 0

Area1 width in ft 0

Area 2 length in ft 0

Area 2 width in ft 0

Runoff area in Sq. ft. and acres - 0.00

Precipitation in 25 yr 24hr storm from map (inches) 2

Runoff /1000 sq.ft. from Table 6 (Cu.ft) 96.92

16 Cu. ft. of storage required by 25 yr/24hr. storm -

Precipitation from 1 in 5 yr winter from Table 7 (in) 5.4

Runoff /1000 sq.ft. from Table 7 (Cu.ft) 75

17 Cu. ft. of storage required by 1 in 5 yr winter precipitation -

18 Total Storage required (cu. ft.) 2,148,046

Settling Pond (No runoff in lagoons)

No. of Cells 4

Slope 2 :1

Depth (ft) (add 2' freeboard) 8

Width of lagoon at top (ft) 50

Width of lagoon at bottom(ft) 42

Avg Width 46

Length at top 400

Length at bottom 392

Avg. Length 396

Actual Capacity in Cu. Ft. 582,912

Prepared by
Darwin Vander Stelt

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Main Storage lagoon (No runoff in lagoons)

No. of Cells	1	
Slope	2 :1	
Depth (ft) (add 2' freeboard)	12	
Width of lagoon at top (ft)	320	
Width of lagoon at bottom(ft)	308	
Avg Width		314
Length at top	600	
Length at bottom	588	
Avg. Length		594
Actual Capacity in Cu. Ft.	2,238,192	

Runoff Calculations :

Area1 length in ft	1320	
Area1 width in ft	2640	
Area 2 length in ft	0	
Area 2 width in ft	0	
Runoff area in Sq. ft. and acres	3,484,800	80.00

Precipitation in 25 yr 24hr storm from map (inches)	2	
Runoff /1000 sq.ft. from Table 6 (Cu.ft)	96.92	

16 **Cu. ft. of storage required by 25 yr/24hr. storm** **337,747**

Precipitation from 1 in 5 yr winter from Table 7 (in)	5.4	
Runoff /1000 sq.ft. from Table 7 (Cu.ft)	75	

17 **Cu. ft. of storage required by 1 in 5 yr winter precipitation** **261,360**

18 **Total Storage required (cu. ft.)** **599,107**

Runoff Basin

No. of Cells	1	
Slope	1 :1	
Depth (ft) (add 2' freeboard)	6	
Width of lagoon at top (ft)	325	
Width of lagoon at bottom(ft)	313	
Avg Width		319
Length at top	325	
Length at bottom	313	
Avg. Length		319
Actual Capacity in Cu. Ft.	610,566	

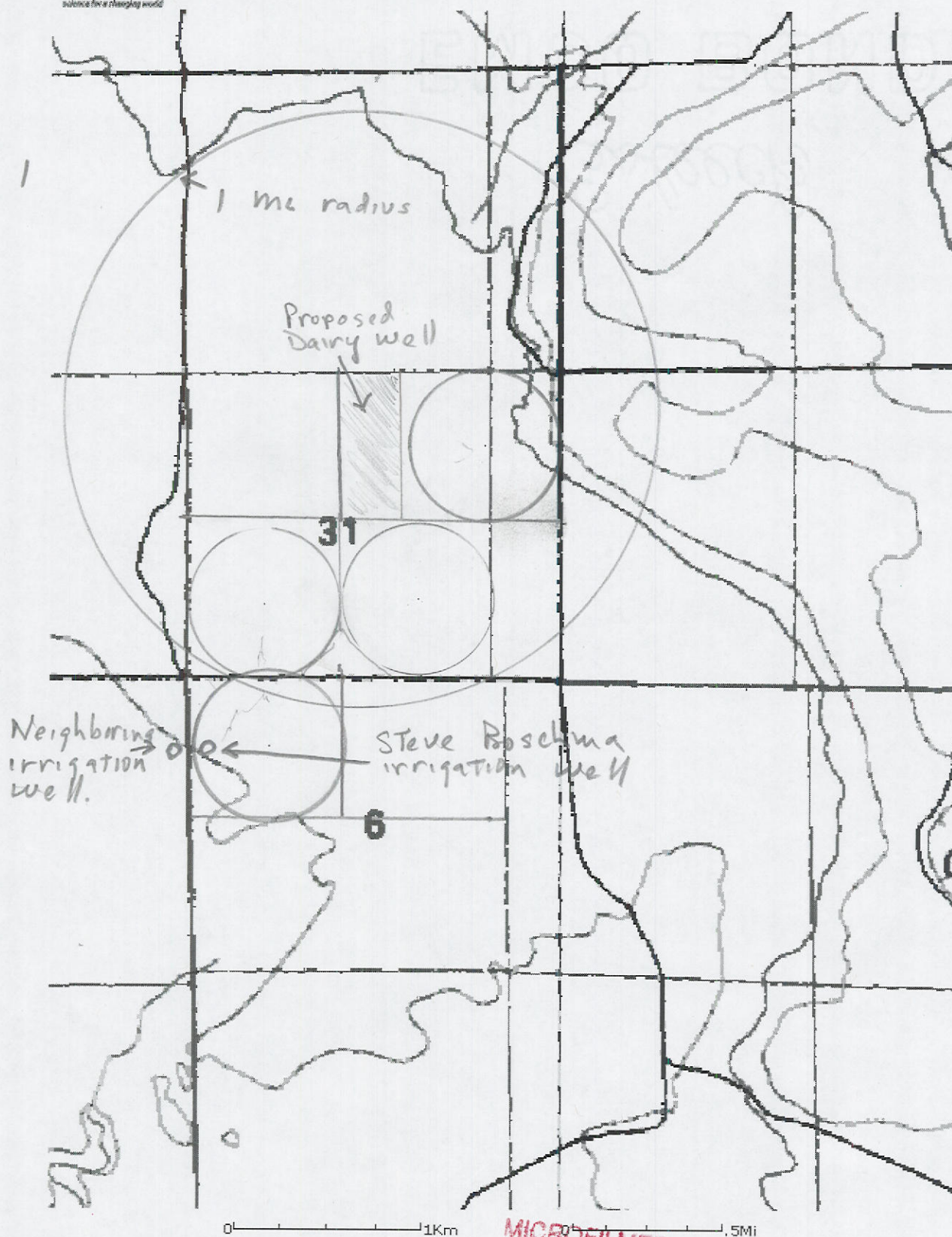
More than adequate runoff storage

Microsoft TerraServer

Display Image

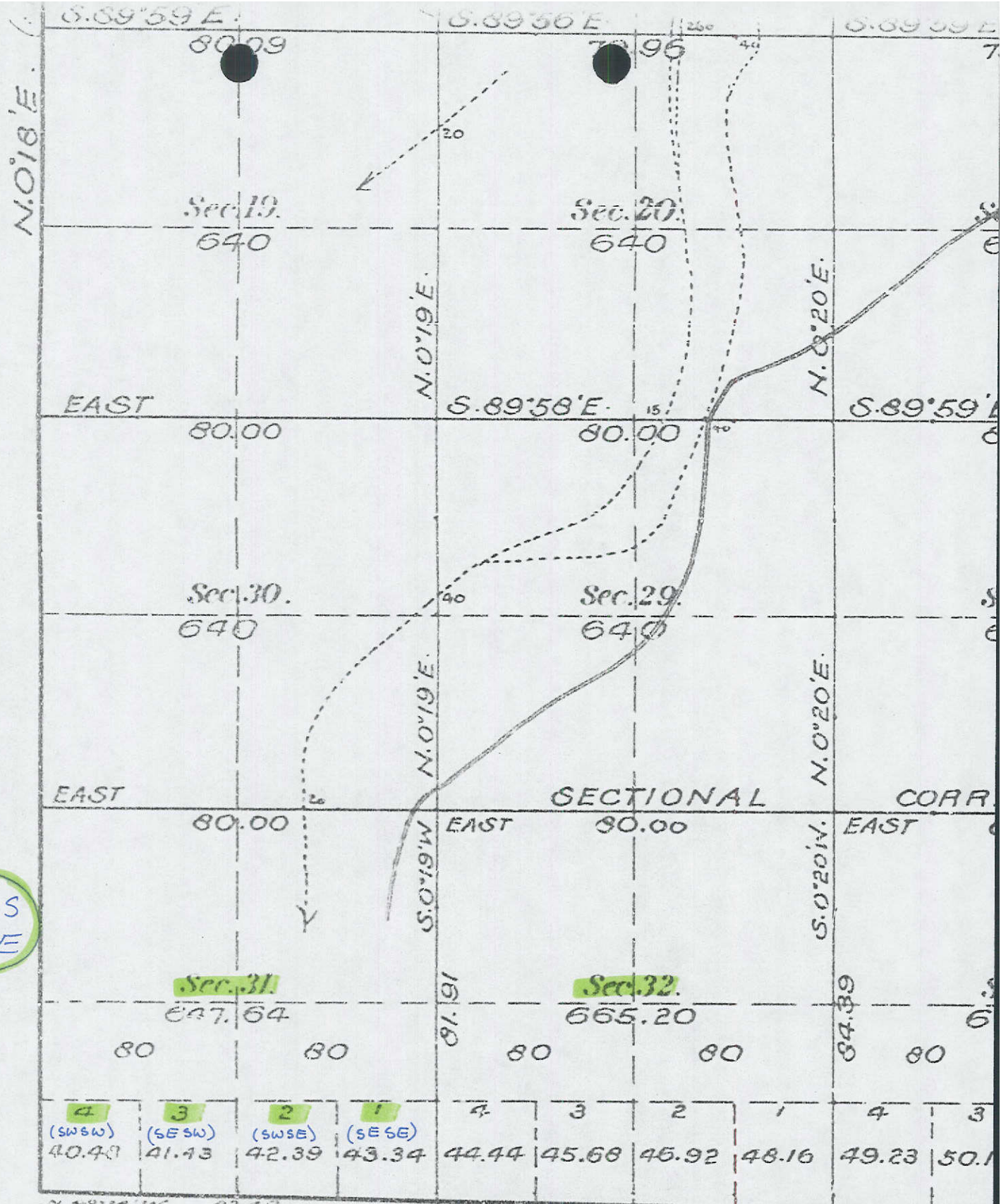
USGS Topo Map

52 km SE of Boise, Idaho, United States 01 Jul 1990



MICROFILMED

MAR 29 2001



T2S
R5E

MICROFILMED
MAR 29 2001

Transfer 5784/68468

Total num

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys		
			M.	Ch.	Lk.
E. and S. Township lines	Reuben C. Rhodes	170 March 26, 1895	12	07	12
Subdivisions	and William B. Rhinocel	.	60	28	46
Connections	"	"	7	16	10

Township No 3 South

T3S
R5E

Transfer
5784/68468

88°55'E (82.43)		Y 19°45'E		(80)		Y 19°45'E	
22.43	20	40	40	30	30	20	10
44.86	39.33	39.06	38.59	38.32	38.92	39.32	39.72
Lot 4 (NW NW)	Lot 3 (NE NW)						
45.00							
Lot 5 (SW NW)							
44.08	46.22				46.48		
45.16							
N 89° 40' E					N 89° 32' E		
22.58	20	40			80 12		
45.16							
45.09							
45.03	46.22						
45.96							
N 89° 42' E					N 89° 36' 24'		
22.43	20	40			80 16		
44.24							
45.00							
45.04	46.00						
45.08							

MICROFILMED
MAR 29 2001

No. W 337		Due no later than May 31, 2001	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		Annual Report Form 1. Mailing Address - Check in this box if applicable DESERT SEA FARMS, L.L.C. JOSEPHINE ANCHUSTEGUI 805 EAST 13TH NORTH MOUNTAIN HOME, ID 83647	
NO FILING FEE IF RECEIVED BY DUE DATE		2. Registered Agent and Office NO PL JOSEPHINE ANCHUSTEGUI 905 EAST 13TH NORTH MOUNTAIN HOME, ID 83647	
4. Limited Liability Companies: Enter Names and Addresses of Members.		3. New Registered Agent Signature	
Office held	Name	Street or P.O. Address	City State Zip
	Larry Esson	905 E 13th North	Mountain Home Idaho 83647
	Josephine Anchustegui	905 E 13th North	Mountain Home Idaho 83647
	Jerry Stewart	2717 Danridge	Boise Idaho 83705
	Norma Stewart	3919 N. Mint Ave	Boise Idaho 83703
	Beverl Fransen	2403 Julie Lane	Payette Idaho 83661
5. Organized Under the Laws of: IDAHO W 337		6. Signature: <i>Josephine Anchustegui</i> Date: <i>3-8-01</i> Name (Typed or Printed): JOSEPHINE ANCHUSTEGUI Title: <i>Secretary</i>	
Issued 03/01/2001		Do Not Tape or Staple	

2658

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MAR 29 2001

Idaho Dept. of Water Resources
Place of Use Comparison Report

		Transfer 5784/68468 - Boschma																					
		Rights 61-7263/7264A & B																					
Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total		
Claim	61 7195A	CONNECTICUT GENERAL LIFE INSURANCE CO,	GROUND WATER	02S05E31					37	37	36	36									146		
Rec	61 7195A	HERBERT R MONTIERTH, EDWARD RAY MONTIE	GROUND WATER	02S05E31					37	37	36	36									146		
Right	61 7195A	CONNECTICUT GENERAL LIFE INSURANCE CO,	GROUND WATER	02S05E31					37	37	36	36									146		
Claim	61 7210	CONNECTICUT GENERAL LIFE INSURANCE CO,	GROUND WATER	02S05E31					37	37	36	36									146		
Rec	61 7210	EDWARD RAY MONTIERTH, GOLDA DARLENE MC	GROUND WATER	02S05E31					37	37	36	36									146		
Right	61 7210	CONNECTICUT GENERAL LIFE INSURANCE CO,	GROUND WATER	02S05E31					37	37	36	36									146		
Claim	61 7264A	DESERT SEA FARMS LLC,	GROUND WATER	02S05E31	39	39	40	40					40	40	39	39	40	40	41	42	479		
Rec	61 7264A	DESERT SEA FARMS LLC,	GROUND WATER	02S05E31	39	39	40	40					40	40	39	39	40	40	41	42	479		
Right	61 7264A	DESERT SEA FARMS LLC, <i>91 Acres Out for Dairy</i>	GROUND WATER	02S05E31	39	39	40	40					40	40	39	39	40	40	35 41	42	479		
Claim	61 7264A	DESERT SEA FARMS LLC,	GROUND WATER	02S05E32							29	29									58		
Rec	61 7264A	DESERT SEA FARMS LLC,	GROUND WATER	02S05E32							29	29									58		
Right	61 7264A	DESERT SEA FARMS LLC,	GROUND WATER	02S05E32							29	29									58		
Claim	61 7264B	DESERT SEA FARMS LLC,	GROUND WATER	02S05E32							10	10									20		
Rec	61 7264B	DESERT SEA FARMS LLC,	GROUND WATER	02S05E32							10	10									20		
Claim	61 7240	CARL F REYNOLDS & SONS,	GROUND WATER	03S05E6									38	44	44	37					163		
Rec	61 7240	CARL F REYNOLDS AND SONS,	GROUND WATER	03S05E6									38	44	44	37					163		
Right	61 7240	CONNECTICUT GENERAL LIFE INSURANCE CO,	GROUND WATER	03S05E6									38	44	44	37					163		
Claim	61 7263	DESERT SEA FARMS LLC,	GROUND WATER	03S05E6					39	43	45	38									165		
Rec	61 7263	DESERT SEA FARMS LLC,	GROUND WATER	03S05E6					39	44	43	39									165		
Right	61 7263	DESERT SEA FARMS LLC,	GROUND WATER	03S05E6					39	43 44	45 43	38 39									165		
Claim	61 7265	CONNECTICUT GENERAL LIFE INSURANCE CO,	GROUND WATER	03S05E6	37	37	38											37			149		
Rec	61 7265	RODNEY K MONTIERTH, SUSAN MONTIERTH, GC	GROUND WATER	03S05E6	37	37	38											37			149		
Right	61 7265	CONNECTICUT GENERAL LIFE INSURANCE CO,	GROUND WATER	03S05E6	37	37	38											37			149		

T2S R5E

Sec 31

SESESW = 643

L not lost 1 ac

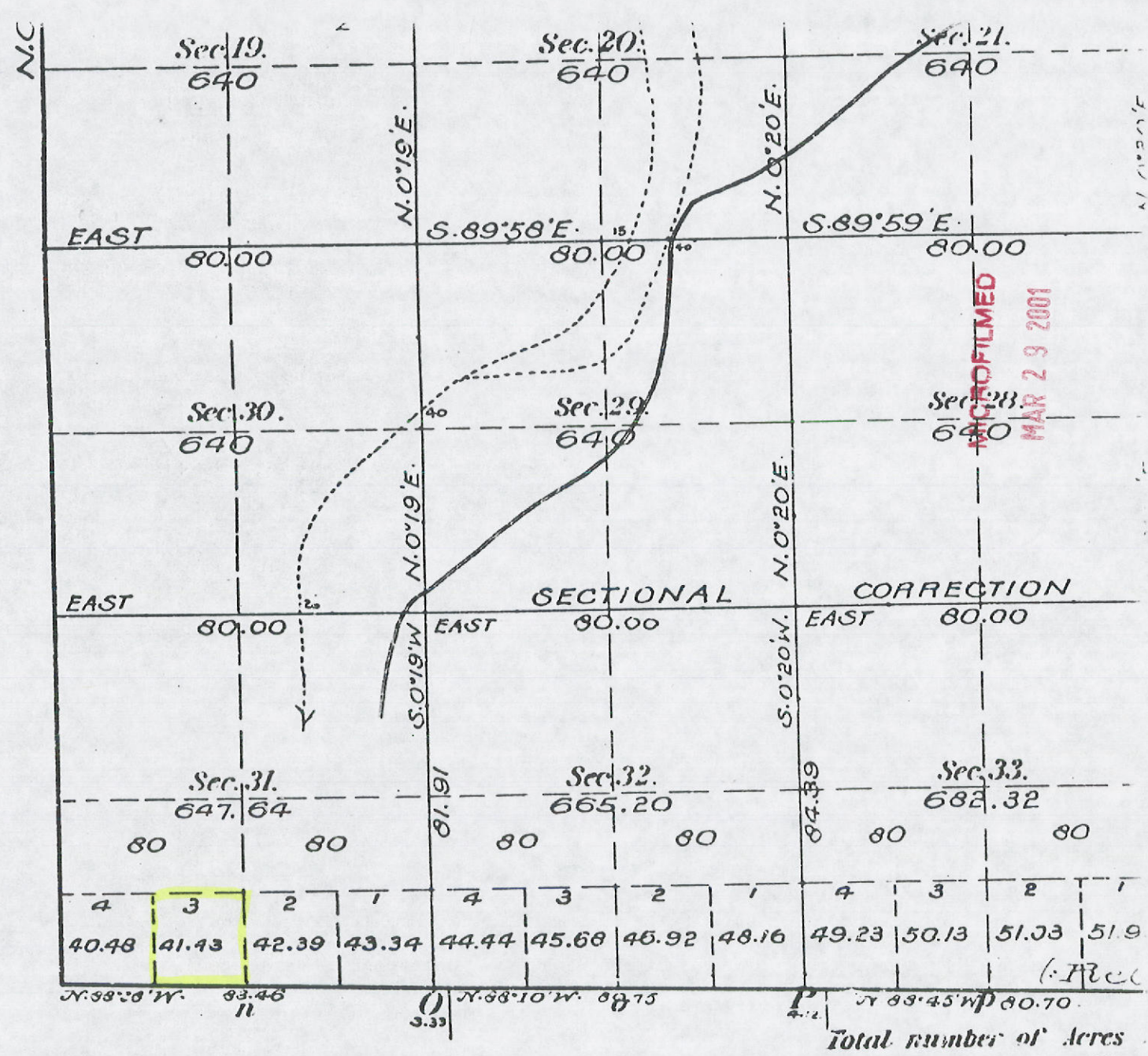
Entered on 61-07263

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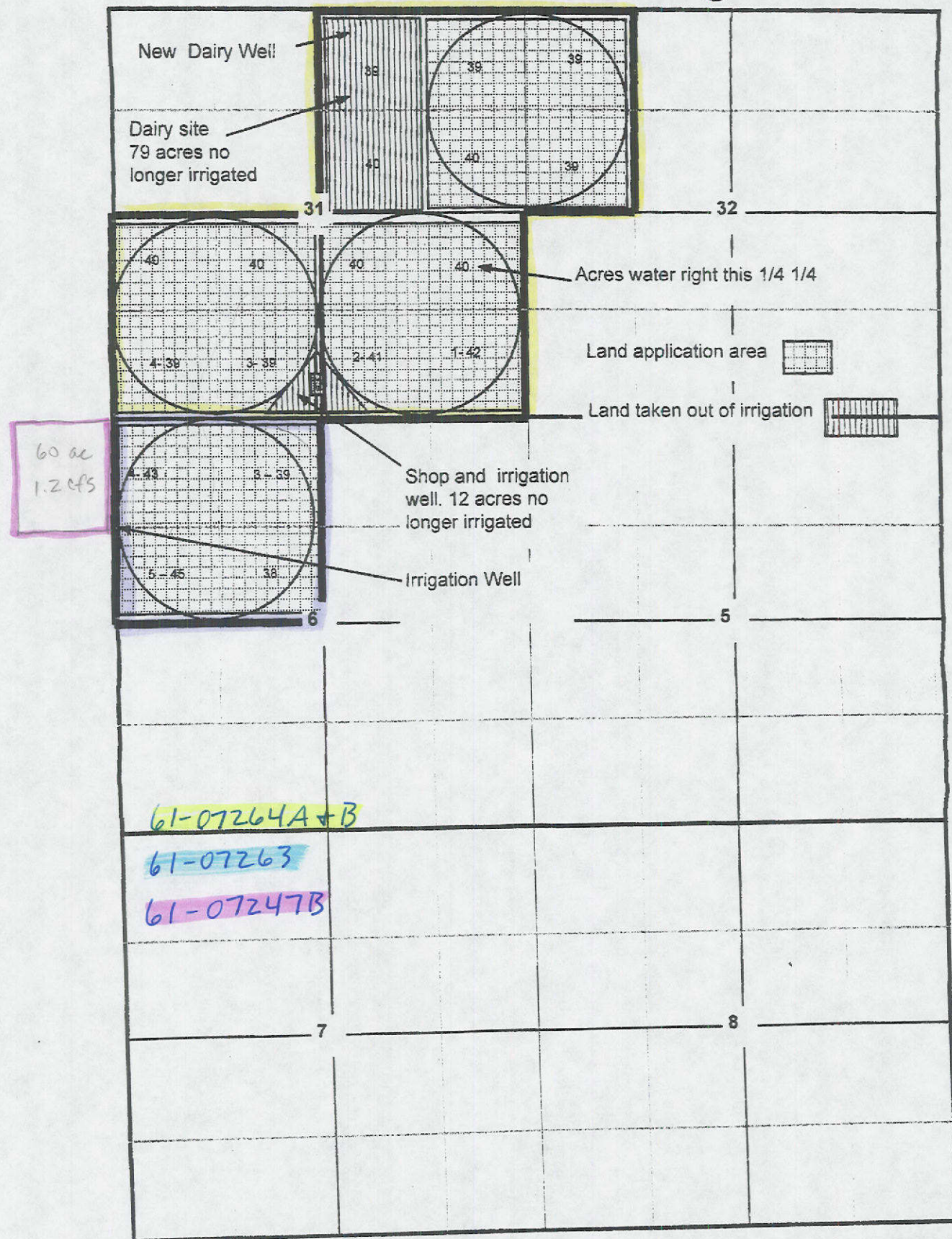
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m

N



Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys M ² Ck ² Lk ²	When Surveyed
E. and S. Township lines	Samuel C. Rhoades	March 26, 1895	12 07 12	Dec. 17-18, 1896
Subdivisions	William B. Vannemel	"	60 28 46	Dec. 23, 1896 - Jan. 3, 1899
Connections	"	"	1 16 10	"
			5 77 02	December 27, 1891



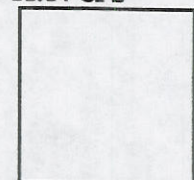
Steve Boschma Dairy	MICROFILMED	
Elmore County, ID	MAR 23 2001	Scale 3" = 1 mile
T 2 S, R 5 E, S. 31 & 32		Prepared by: Darwin Vander Stelt

SPLIT REVIEW (Rights: 61-07263, 61-07264 & 61-07247)

AGENT: Ron Howerton

Date: 23 Sep 98

61-07264
557 acres
11.14 CFS



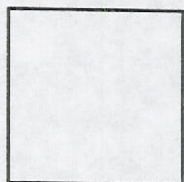
P/D SESESW, S31,
T02S, R05E LT 01

61-07264A
537 acres
10.74 CFS
Desert Sea Farms

6/10/1976

61-07264B
20 acres
0.4 CFS
Hickey

61-07247



P/D SESW, S36,
T02S, R04E

61-07247A
Split into C Hergert Farms
Permit
Split into D Hickey
Permit

P/D SESESW, S31,
T02S, R05E LT 01
Transfer 5145
Changed P/D from S01 to
P/D NWNW, S06,
T03S, R05E LT 04 (see attached well log dated 6/1/98)

61-07247B
License
60 acres
1.2 CFS
Desert Sea Farms

1/10/1976

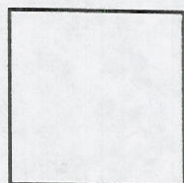
61-07263

Transfer 5145

P/D SESESW, S31, T02S, R05E LT 01

P/D NWNW, S06, T03S, R05E LT 04

Desert Sea Farms



4/1/1976

system limits for both
wells in 11.36 cfs

MICROFILMED

MAR 29 2001

Re: Licensing of 61-07263

CONVERSATION MEMORANDUM

DATE 6/15/89

FILE 61-07247A

NAME OF PARTY Leland Sabin 532-4296

EMPLOYEE Steve Lester

JUN 16 1989

Department of Water Resources

RE: Telephone conv:

172 acres in S.1 still farmed but well in Lot 1
(NENE) S.1 does NOT supply water to Sabin's land
in S.1. He gets water for S.1 land from well
in S.36.

Wants to postpone exam until this fall due to
maint. problems etc. This is acceptable, especially
since S.1 well (re: g. specimens 1/27/89 memo for
Files 61-7247A & B, 61-7263, 61-7264) is not
involved.

This office will contact L. Sabin in late August or
early Sept. (1989) to follow up with exam on
61-07247A.

Sabin's permit (related to pld, S.36) 61-07255,
but proof not done until 11/1/1990. 61-07255 is
to irrigate acres in S.25.

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AUG 23 1989

61-7263

35
SE
5.6

PO in S 31
25 SE
5.6

589557 (52.43)

(411)

pln

PO in
5.1
35, 46

22.43	30.53	20.16	38.39	30.32
4.46	30.53	30.16	38.39	30.32
1.5.00				
45.08				
7				
1.5.16				
20.58	20	40		
1.5.16				
45.09				

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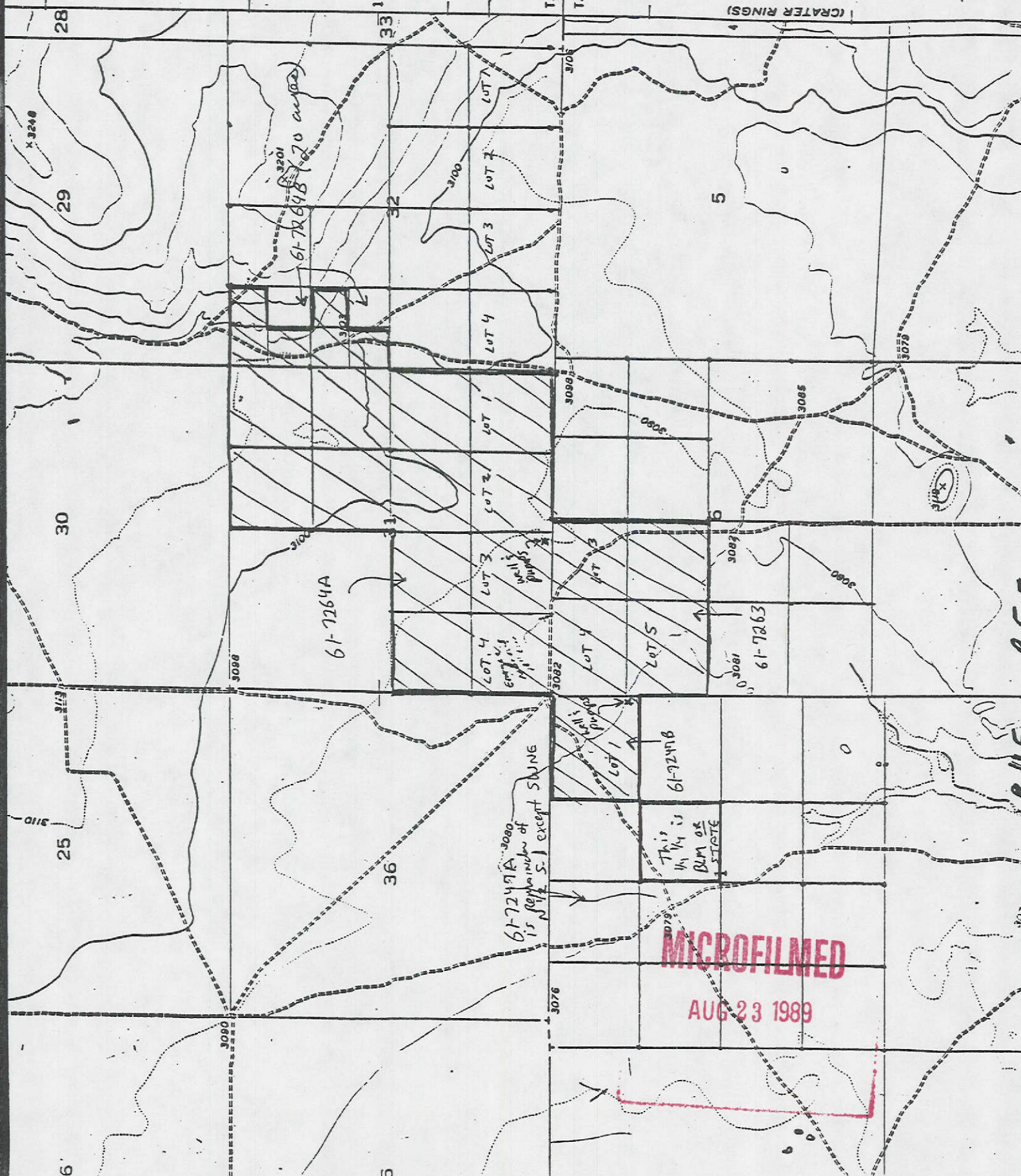
AUG 23 1989

5.32
 5.31
 5.1
 5.6
 5.36

T.2S.

T.3S.

61-7247B
 61-7263A
 61-7264A



SRBA

PARTIAL DECREE 61-07263

Issued on 10-26-2000.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS: DESERT SEA FARMS LLC
905 E 13TH N
MOUNTAIN HOME, ID 83647

SOURCE: GROUNDWATER

QUANTITY: 2.40 CFS

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POIN
DIVERSION UNDER TRANSFER 5145 SHALL NOT EXCEED 3.60 CFS, NO
TOTAL COMBINED ANNUAL VOLUME OF 900.0 AF.

RIGHT 61-07263 WHEN COMBINED WITH RIGHTS 61-07247B AND
61-07264A & 61-07264B SHALL NOT EXCEED 11.36 CFS.

PRIORITY DATE: 04/01/1976

POINT OF DIVERSION: T02S R05E S31 LOT 01 (SESESW) Within Elmore County
T03S R05E S06 LOT 04 (SWNWNW)

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTIT
Irrigation 04-01 TO 10-31 2.40 C

PLACE OF USE: Irrigation Within Elmore
T03S R05E S06 LOT 03 (NENW) 39.0 LOT 04 (NWNW) 44.0
LOT 05 (SWNW) 43.0 SENW 39.0
165.0 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISION
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFIC
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN TH
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

Return to SRBA Home Page

MICROFILMED

NOV 20 2001

This
Right has been
Decreed in the
SRBA.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68468

This is to certify that: STEVE BOSCHMA
5592 KUNA RD
KUNA ID 83634

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document. The right holder shall accomplish the authorized change within one (1) year of the date of this approval. Failure of the right holder to comply with the conditions of approval for each water right affected by this transfer is cause for the Director to rescind approval of all or part of the transfer.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
61-7264A	WR/License	06/10/1976	10.74 cfs	2416.5 af	537.0	537.0	GROUND WATER
61-7263	WR/License	04/01/1976	2.4 cfs		165.0	165.0	GROUND WATER
61-7264B	AJC/License	06/10/1976	0.4 cfs	90 af	20.0	20.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
61-7264A	NO	NO	YES	YES	YES	YES
61-7263	NO	NO	YES	YES	NO	NO
61-7264B	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
61-7264A	61-7264A	10.74 cfs	2225 af	446.0	631.0		N/A	N/A		N/A
61-7263	61-7263	2.4 cfs	660 af	165.0	631.0		N/A	N/A		N/A
61-7264B	61-7264B	0.4 cfs	90 af	20.0	631.0		N/A	N/A		N/A
TOTALS		11.36 cfs	2975 af	631.0	631.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 29th day of March, 2001

Chief, Water Allocation Bureau

J. Glen Saylor

MICROFILMED
MAR 29 2001

WATER RIGHT NO. 61-7263
As Modified by Transfer No. 68468

In accordance with the approval of Transfer No. 68468, Water Right No. 61-7263 is now described as follows.

Right Holder: DESERT SEA FARMS LLC
 905 E 13TH N ST
 MOUNTAIN HOME ID 83647

Priority Date: 04/01/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	2.40 CFS	660.0 AF
			2.40 CFS	660.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER Lot 4 SWNWNW Sec. 6 Twp 03S Rge 05E ELMORE County

GROUND WATER Lot 3 SESESW Sec. 31 Twp 02S Rge 05E ELMORE County

GROUND WATER Lot 3 NWNE Sec. 31 Twp 02S Rge 05E ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 05E 31	39.0			40.0					40.0	40.0	39.0	33.0	40.0	40.0	35.0	42.0	388.0
02S 05E 32						39.0	39.0				L 4	L 3			L 2	L 1	78.0
03S 05E 6					39.0	43.0	45.0	38.0									165.0
					L 3	L 4	L 5										

Total Acres: 631

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Transfer 68468 shall not exceed 11.36 cfs, nor total combined annual volume of 2975.0 af.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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MAR 29 2001

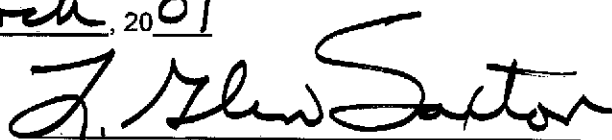
WATER RIGHT NO. 61-7263
As Modified by Transfer No. 68468

CONDITIONS OF APPROVAL

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. Right 61-7263 when combined with Rights 61-7247B, 61-7264A and 61-7264B shall not exceed a total diversion rate of 11.36 cfs.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. This right is limited to the irrigation of 165.0 acres within the place of use described above in a single irrigation season.
11. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10-25-2000.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 29th day of March, 2001



Chief, Water Allocation Bureau

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MAR 29 2001

WATER RIGHT NO. 61-7264A

As Modified by Transfer No. 68468

In accordance with the approval of Transfer No. 68468, Water Right No. 61-7264A is now described as follows.

Right Holder: DESERT SEA FARMS LLC

905 E 13TH N ST

MOUNTAIN HOME ID 83647

Priority Date: 06/10/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	9.47 CFS	2,007.0 AF
STOCKWATER	01/01	to 12/31	1.27 CFS	218.0 AF
COMMERCIAL	01/01	to 12/31	1.27 CFS	218.0 AF
			10.74 CFS	2,225.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER Lot 4 SWNWNW Sec. 6 Twp 03S Rge 05E ELMORE County

GROUND WATER Lot 3 SESESW Sec. 31 Twp 02S Rge 05E ELMORE County

GROUND WATER Lot 3 NWNE Sec. 31 Twp 02S Rge 05E ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
02S 05E 31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	388.0
	39.0			40.0					40.0	40.0	39.0	33.0	40.0	40.0	35.0	42.0	
											L 4	L 3			L 2	L 1	
02S 05E 32							39.0	39.0									78.0
03S 05E 6					39.0	43.0	45.0	38.0									165.0
					L 3	L 4	L 5										

Total Acres: 631

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
02S 05E 31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		X	X														

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PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	05E	31	X	X	X	X					X	X	X	X	X	X	X	X	
													L4	L3			L2	L1	
02S	05E	32						X	X										
03S	05E	6					X	X	X	X									
							L3	L4	L5										

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Transfer 68468 shall not exceed 11.36 cfs, nor total combined annual volume of 2975.0 af.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. Right 61-7263 when combined with Rights 61-7247B, 61-7264A and 61-7264B shall not exceed a total diversion rate of 11.36 cfs.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
10. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
11. This right is limited to the irrigation of 446.0 acres within the place of use described above in a single irrigation season.

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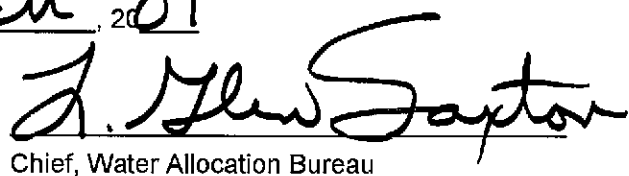
WATER RIGHT NO. 61-7264A
As Modified by Transfer No. 68468

CONDITIONS OF APPROVAL

12. Commercial use is for a dairy located within W1/2NE, S31, T02S, R05E.
13. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 29th day of March, 2001


Chief, Water Allocation Bureau

MICROFILMED
MAR 29 2001

WATER RIGHT NO. 61-7264B
As Modified by Transfer No. 68468

In accordance with the approval of Transfer No. 68468, Water Right No. 61-7264B is now described as follows.

Right Holder: DESERT SEA FARMS LLC
 905 E 13TH N ST
 MOUNTAIN HOME ID 83647

Priority Date: 06/10/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.40 CFS	90.0 AF
			0.40 CFS	90.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER Lot 4 SWNWNW Sec. 6 Twp 03S Rge 05E ELMORE County

GROUND WATER Lot 3 SESESW Sec. 31 Twp 02S Rge 05E ELMORE County

GROUND WATER Lot 3 NWNE Sec. 31 Twp 02S Rge 05E ELMORE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
02S	05E	31	39.0			40.0								40.0	40.0	39.0	33.0	40.0	40.0	35.0	42.0	388.0
																L 4	L 3			L 2	L 1	
02S	05E	32					39.0	39.0														78.0
03S	05E	6					39.0	43.0	45.0	38.0												165.0
							L 3	L 4	L 5													

Total Acres: 631

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Transfer 68468 shall not exceed 11.36 cfs, nor total combined annual volume of 2975.0 af.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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 MAR 29 2001

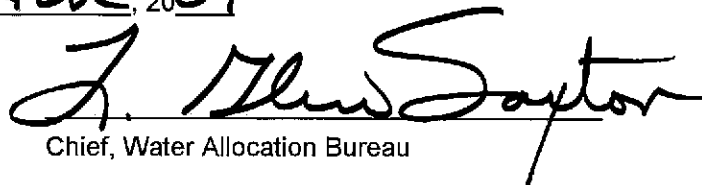
WATER RIGHT NO. 61-7264B
As Modified by Transfer No. 68468

CONDITIONS OF APPROVAL

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
8. This right is limited to the irrigation of 20.0 acres within the place of use described above in a single irrigation season.
9. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 29th day of March, 2001


Chief, Water Allocation Bureau

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MAR 29 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5784T 68468**APPLICATION FOR TRANSFER OF WATER RIGHT**
PART 1Name of applicant: Steve BoschmaPhone: (208) 870- 1763, 467-2816**RECEIVED**Post Office address: 5592 Kuna Rd. Kuna ID 83634**SEP 21 2000****A. PURPOSE OF TRANSFER**

Department of Water Resources

1. ☐ Change point of diversion
☒ Change nature of use

- ☒ Add diversion point(s)
☒ Change period of use

- ☐ Change place of use
☐ Other

2. Describe the reason for the proposed changes: Applicant wishes to construct a new dairy facility on the site, and drill a new well to supply stockwater and process water for the dairy. In addition, applicant wishes to recombine rights 61-07264A and 61-07264B and to correct a diversion point.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use		
<u>61-07264C</u>	<u>06/10/76</u>	<u>9.87 / 2144</u>	<u>irrigation</u>	<u>04/01</u>	<u>to</u>	<u>10/31</u>
		<u>.74 / 127</u>	<u>stockwater</u>	<u>01/01</u>	<u>to</u>	<u>12/31</u>
		<u>.53 / 91</u>	<u>commercial</u>	<u>01/01</u>	<u>to</u>	<u>12/31</u>
<u>61-07263</u>	<u>04/01/1976</u>	<u>2.4/660</u>	<u>irrigation</u>	<u>4/01</u>	<u>to</u>	<u>10/31</u>

2. Total amount of water being transferred 11.36 cubic feet per second and/or 3022 acre-feet per annum.

3. Source of water groundwater tributary to

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local Name for diversion
3	SE	SE	SW	31	T02S	R05E	Elmore	irrigation well
		NW	NE	31	T02S	R05E	Elmore	New Dairy Well
4	SW	NW	NW	6	T03S	R05E	Elmore	Irrigation Well

5. Lands irrigated or place of use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
61-0764:													Lot 4	Lot 3			Lot 2	Lot 1	
02S	05E	31	39			40					40	40	39	33	40	40	35	42	
			C	X	X	C					C	C	C	C	C	C	C	C	
02S	05E	32						39	39										466
								C	C										
61-0763:							Lot 3	Lot 4	Lot 5										
							39	43	45	38									165
							C	C	C	C									

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Total acres

631

T 68468

PART 1

6. General Information:

- a. Description of diversion system: **A new well will be drilled near the new milking parlor for dairy use. Pumps, pressure tanks and distribution system will be installed per engineer's specifications for a dairy of this size and style.**
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land now irrigated will be covered with corrals, feed storage and building sites for new dairy buildings.
- d. Remarks:
- See attachments:**
- A. Statement from landowner on existence of contract and proof of ownership.**
 - B. Daily Fresh Water Requirement For Dairy Facility Worksheet**
 - C. Flow, Volume, and Allocation Calculations**
 - D. Crop history and calculation of consumptive use**
 - E. Lagoon sizing calculations**
 - F. Memorandum addressing the four issues raised in the Idaho code 42-222**

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

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AJ0749NP
No. 61-07263

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/31/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DESERT SEA FARMS LLC 905 E 13TH N MOUNTAIN HOME ID 83647 (208) 587-9271	04/01/1976	IRRIGATION	04-01 10-31	2.400 CFS	
TOTAL DIVERSION:					2.400 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T02S R05E S31 Lot01(SESESW)✓
T03S R05E S06 Lot04(SWNWNW)

ELMORE County
ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S	: Lt Ac	NENE	NWNE	SWNE	SENE	: Lt Ac	NENW	NWNW	SWNW	SENW	: Lt Ac	NESW	NWSW	SWSW	SESW	: Lt Ac	NESE	NWSE	SWSE	SESE	: SUM	
03S	05E	6	:					:	03-39	04-44	05-43	39	:					:						165.0
TOTAL ACRES																							165.0	

POU County: ELMORE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
61-07247B A61-07247B A61-07263

Other Water Rights Listing Overlapping Place(s) of Use:
A61-07263

Conditions of Approval:

- C15 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN BASIN 61:
- | WATER RIGHT NO. | SOURCE |
|-----------------|--------|
| NONE | NONE |
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN THE SNAKE RIVER BASIN:
- | WATER RIGHT NO. | SOURCE |
|-----------------|--------|
| NONE | NONE |
- ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
- CONJUNCTIVELY.

Remarks: QNT THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER TRANSFER 5145 SHALL NOT EXCEED 3.60 CFS, NOR
TOTAL COMBINED ANNUAL VOLUME OF 900.0 AF.
RIGHT 61-07263 WHEN COMBINED WITH RIGHTS 61-07247B AND
61-07264A & 61-07264B SHALL NOT EXCEED 11.36 CFS.

USE THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS

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AJ0749NP
No. 61-07263

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/31/00
PAGE: 2

Remarks:

EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE
DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

EXP RIGHT NO. 61-07247B IS ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED AS T02S, R05E, S31, SESESW: 61-07264A AND
61-07264B.

Dates: Exam Made Date: 10/05/1998 Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

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MAR 29 2001

AJ0749NP
No. 61-07264A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/31/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DESERT SEA FARMS LLC 905 E 13TH E MOUNTAIN HOME ID 83647 (208) 587-9271	06/10/1976	IRRIGATION	03-15 11-15	10.740 CFS	2416.50 AFA
TOTAL DIVERSION:					10.740 CFS	2416.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T02S R05E S31 Lot03(SESESW)

ELMORE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM																
02S	05E	31	:	39		39		40		40		:				40		40		04-39	03-39	:	40		40		02-41	01-42	:	479.0							
02S	05E	32	:									:	29		29						:									58.0							
																				TOTAL ACRES																	537.0

POU County: ELMORE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
61-07264B A61-07247B A61-07263 A61-07264A A61-07264B

Other Water Rights Listing Overlapping Place(s) of Use:
61-07264B A61-07264 A61-07264A A61-07264B

Conditions of Approval:

- C15 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN BASIN 61:
- WATER RIGHT NO. SOURCE
- NONE NONE
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN THE SNAKE RIVER BASIN:
- WATER RIGHT NO. SOURCE
- NONE NONE
- ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
- CONJUNCTIVELY.

Remarks: EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 61-07247B, 61-07263 & 61-07264B.

Dates: Exam Made Date: 10/02/1998 Verified Date: 10/02/1998 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

MICROFILMED

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AJ0749NP
No. 61-07264B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/31/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DESERT SEA FARMS LLC 905 E 13TH N ST MOUNTAIN HOME ID 83647	06/10/1976	IRRIGATION	03-15 11-15	0.400 CFS	90.00 AFA
TOTAL DIVERSION:					0.400 CFS	90.00 AFA
D	CARL D HICKEY PO BOX 243 MOUNTAIN HOME ID 83647 (208) 796-2127					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T02S R05E S31 Lot03(SESESW)

ELMORE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
02S	05E	32	:							10	10									:	20.0
																				TOTAL ACRES	20.0

POU County: ELMORE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
61-07264A 61-07247B 61-07263 61-07264A 61-07264B

Other Water Rights Listing Overlapping Place(s) of Use:
61-07264A 61-07264 61-07264A 61-07264B

Conditions of Approval:

- C15 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
 - RIGHTS IN BASIN 61:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
 - IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
 - RIGHTS IN THE SNAKE RIVER BASIN:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
 - ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES
 - OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
 - CONJUNCTIVELY.

Remarks: EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 61-07247B, 61-07263 & 61-7264A.

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AJ0749NP
No. 61-07264B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/31/00
PAGE: 2

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Dates:	Exam Made Date: 10/02/1998	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	Presumption Flag:

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MAR 29 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5784

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non use? Yes If yes, describe: CRP

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1.

Amount (cfs/ac-ft)					
	for		purposes from		to
	for		purposes from		to
	for		purposes from		to
	for		purposes from		to

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local Name for diversion

3. Lands irrigated or place of use:

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

C. Description of unchanged portion of right

1.

Amount (cfs/ac-ft)					
	for		purposes from		to
	for		purposes from		to
	for		purposes from		to
	for		purposes from		to

2. Point(s) of Diversion:

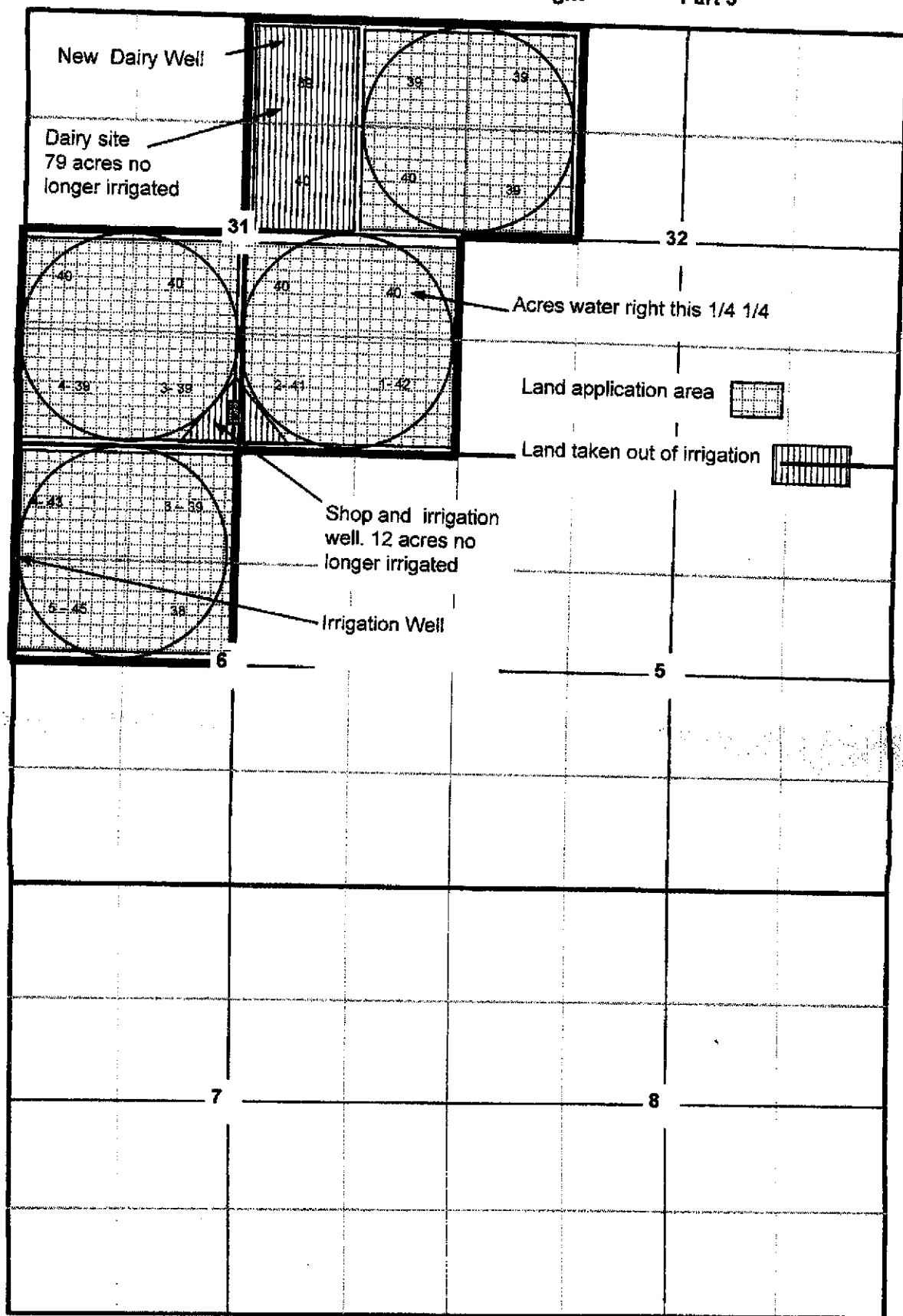
Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local Name for diversion

3. Lands irrigated or place of use:

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

MICROFILMED

MAR 29 2001



Steve Boschma Dairy	MICROFILMED	Scale 3" = 1 mile
Elmore County, ID	MAR 29 2001	Prepared by: Darwin Vander Stelt
T 2 S, R 5 E, S. 31 & 32		

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5784

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use		
Stockwater	.74 / 127	365	01/01	to	12/31
Commercial	.53 / 91	365	01/01	to	01/01

2. Quantity and quality of return flows and location of discharge:

Used process and runoff to be contained in the lagoon on the NE ¼ sec 31 T02S R05E
Estimated volume of return flow is 91 acre feet to be land applied during the growing season.

3. Describe effects on other water uses resulting from the proposed change:

See Attachment 5.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Stephen T. Boschna
(Signature of Applicant)

Subscribed and sworn to before me this 6 day of April, 19 2000

Ron Howerton
(Notary Public)

My commission expires _____

Ron Howerton

Residing at Boise, Idaho

My Commission Expires December 8, 2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachments

Received by Rch Date 4/6/00 Protest filed by _____

Prelim. check by g Fee 100.00 W 026316

Receipted by Rch Date 4/6/00

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____

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MAR 29 2001

Attachment A

Verification of pending Purchase and Sale Agreement

Buyer(s) Steve Boschma

Seller(s) Larry Essen *ESSON ZE*

The undersigned parties hereby verify that a Purchase and Sale agreement exists and is a valid contract for the sale of T02S,R05E, NE ¼ and S ½ sec 31, W ½ of W ½ sec 32, and T03S, R05E, NW ¼ sec 6, contingent upon buyer obtaining a change in the nature of use of a groundwater right, and also contingent on buyer obtaining other required permits relating to construction and operation of a dairy on the site.

Larry Essen

Seller

4/6/2000

Date

Desert Sea Farms LLC

Seller

4/6/2000

Date

Steve Boschma

Buyer

4/6/00

Date

Seller

Date

MICROFILMED
MAR 29 2001

WARRANTY DEED

Norma Esson Stewart, a single person, Beverly Esson Franzen, a married person dealing with her separate property, Neil Esson, a single person, Jerry H. Stewart, a single person, Larry Esson, a single person, and Josephine Anchustegui, a single person, hereby convey, grant, bargain, sell and warrant to Desert Sea Farms L.L.C., a limited liability company, organized under the laws of the State of Idaho, whose address is 905 E. 13th North, Mountain Home, Idaho, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the real property located in Elmore County, Idaho and more particularly described on Exhibit A, attached and incorporated by reference.

This conveyance shall include any and all appurtenances, fixtures, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantor covenants to the Grantee that the Grantor is the owner in fee simple of said premises; that the premises are free from all encumbrances, except as set forth on Exhibit A, and except for those of record, and that the Grantor will warrant and defend the same from all other claims whatsoever.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 24th day of May, 1994.

Norma Esson Stewart
Norma ESSON STEWART

Beverly Esson Franzen
Beverly ESSON FRANZEN

Neil Esson
Neil ESSON

Jerry H. Stewart
Jerry H. STEWART

Larry Esson
Larry ESSON

Josephine Anchustegui
Josephine ANCHUSTEGUI

280936

ELMORE COUNTY, IDAHO, ss

Recorded GUARANTY TITLE, INC.

Time 2:52 P.M.

Date JUNE 1, 1994

Book DOLORES ROBISON

Page

By Brenda Ann Mason

Deputy

Fee 9/15/02

MICROFILMED

MAR 29 2001

STATE OF IDAHO

County of ELMORE

}

ss.

On this 24 day of May, 1994, before me, a Notary Public, personally appeared NORMA EBBON STEWART, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

[Signature]
 Notary Public for IDAHO
 Residing at ELMORE
 Commission 1-1-92

STATE OF IDAHO

County of ELMORE

}

ss.

On this 24 day of May, 1994, before me, a Notary Public, personally appeared BEVERLY EBBON FRANSSEN, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

[Signature]
 Notary Public for IDAHO
 Residing at ELMORE
 Commission 1-1-92

STATE OF IDAHO

County of ELMORE

}

ss.


On this 24 day of May, 1994, before me, a Notary Public, personally appeared NEIL EBBON, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

[Signature]
 Notary Public for IDAHO
 Residing at ELMORE
 Commission 1-1-92

MICROFILM

STATE OF IDAHO)
) ss.
 County of ELMORE)

On this 24th day of May, 1994, before me, a Notary Public, personally appeared JERRY M. STEWART, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


 Notary Public for IDAHO
 Residing at BOZEMAN, MONT.
 Commission expires 01-01-95



STATE OF IDAHO)
) ss.
 County of ELMORE)

On this 24th day of May, 1994, before me, a Notary Public, personally appeared LARRY EASON, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


 Notary Public for IDAHO
 Residing at BOZEMAN, MONT.
 Commission expires 01-01-95



STATE OF IDAHO)
) ss.
 County of ELMORE)

On this 24th day of May, 1994, before me, a Notary Public, personally appeared JOSEPHINE ANCIUSTEGUI, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.


 Notary Public for IDAHO
 Residing at BOZEMAN, MONT.
 Commission expires 01-01-95



MICROFILM

SEP 29 1994

LEGAL DESCRIPTION

Township 3 South, Range 4 East, Boise Meridian, Blaine County, Idaho

Section 1: Lot 1

Township 2 South, Range 5 East, Boise Meridian, Blaine County, Idaho

Section 31: NW1/4
N1/2S1/2
Lots 1, 2, 3, and 4

Section 32: W1/2W1/2NW1/4
NW1/4SW1/4NW1/4
NW1/4NW1/4NW1/4

Township 3 South, Range 5 East, Boise Meridian, Blaine County, Idaho

Section 6: Lots 3, 4, and 5
SW1/4NW1/4

MICROFILM

MAR 23 2001

Attachment B

Daily Fresh Water Requirement For Dairy Facility Worksheet

For: **Steve Boschma Dairy**

Drinking Water Estimates (see Table 1 & 2):

	Number	Use/day	Total Gal/Day	Total Gals/Yr.	Acre-feet/Yr (AF/a)
Milking Cows	3060	35	107100		
Dry Cows	540	12	6480		
Total Cows	3600		113580	41,456,700	127.23
Heifers:					
Age	% of Herd	Number	Use/day	Total	
16-24 mo.	0.38		10	0	
13-15 mo.	0.12		8	0	
9-12 mo.	0.17		6	0	
5-8 mo	0.17	0	5	0	
3-4 mo	0.08	0	4	0	
0-2 mo	0.08	0	2.5	0	
Total Heifers		0	0	-	0.00
Total Herd Drinking Water					127.23

Wash Pen Estimate:

GPM discharge/nozzle		4.04			
Number of Nozzles		150			
Minutes run/day:		120			
groups	12				
mins/group	5				
x/day	2				
days per year	365				
Total Wash Pen Water Used:			72720	26,542,800	81.46

Milk House and Parlor Estimate (see Table 4)

Item	Gals/Op	x's/day	Gals/day		
Bulk Tank	250	1	250		
Pipeline	250	2	500		
Backflush	0.5	2	3060		
Cleanup	1500	2	3000		
Cow Prep	0.25	2	1530		
Plate Cooler(ignore if recycled)					
Total Milk House and Parlor Water Used:			8340	3,044,100	9.34
Total Gals/Day				194640	
Total Fresh Water Diverted Annually (af/a consumptive use)					218.0
Stock water needed				127.23	
Commercial water needed				90.80	
Acres to be taken out of production @	2.40	afa/acre			91
Acres out for stock water	52.9	53			
Acres out for Commercial	37.8	38			

Attachment C Flow, Volume, and Allocation Calculations

Amount of water (afa) to be transferred		218	(From Dairy worksheet, Attachment A)
	%	Volume	Acres to dry
Stockwater	52%	127.2	52.9 (volume needed/consumptive use/acre)
Commercial	48%	90.8	37.8 (volume needed/consumptive use/acre)
Historic consumptive use per acre		2.40	(From Attachment C. Crop history etc)
			(From Dairy worksheet, Attachment A)

To determine acres irrigated and flow under each license:

Total flow from notation on right: **11.36** (flow is divided among 3 rights)

Total Flow for each license:

Priority	Acres	Flow (cfs)	Flow/acre (cfs)	
1/10/76 61-07247B	60	1.20	0.020	earliest priority date license limited to 1.20 cfs
4/1/76 61-07263	165	2.40	0.015	next priority date license and is limited to 2.4 cfs
6/10/76 61-07264	557	7.76	0.014	is the last license and is limited to (11.36-2.4-1.2)
	722	11.36		

(These two rights together are limited to 3.6 cfs by note on right 61-07247B)

Allocation of flow under license	61-07264	after transfer:
Total licensed flow	11.14	cfs
Acres irrigable	557	
acres irrigable (after transfer)	466	(557- 90.7 acres out of production)
flow for irrigation	9.87	(acres irrigable X's licensed flow/acre)
acres out for stockwater	52.9	(from dairy worksheet)
flow for stock water	0.74	(acres out X's licensed flow/acre)
acres out for Commercial	37.8	(from dairy worksheet)
flow for Commercial	0.53	(acres out X's licensed flow/acre)
total flow after transfer	11.14	cfs (total of the three flows)

Allocation of Volume after transfer:

Total Diversion:

61-07264	2506.5	ac-ft	(from license)	2506.5 ac-ft = 4.5 ac/acre per license.
deduct dairy water	362.8	(4 ac-ft x 91 acres out)		-409.5 ac-ft = 4.5 x 91
Tot. diversion/irrigation	2143.7	acre-ft/annum		2097.0
Tot. diversion/ commercial	91	(from dairy worksheet)		+ 218.0 (Dairy)
Tot. diversion/ stockwater	127	(from dairy worksheet)		2315.0
Total allowable diversion after transfer	2362.5	2362		

Attachment D

Crop history, 1998,1999. Farm no 708 Tract # 549 and 810

Bennett Creek Farms partnership

Source: FSA 578 "Report of Acreage" Crop years 98,99

Field	Acres	1998	%	1999	Acres	Crop	%
		Crop	Total	Field No			
1	60	Alfalfa	8.2%	16	60	Alfalfa	8.2%
2	163.5	Alfalfa	22.5%	17	6.3	Fallow	0.9%
1	160	Potato	22.0%	18	6.3	Alfalfa	0.9%
2	58.98	Potato	8.1%	19	10.1	Fallow	1.4%
3A	130	Wheat	17.9%	20	130.7	Alfalfa	17.9%
3B	24	Fallow	3.3%	21	10.1	Alfalfa	1.4%
4	131.1	Wheat	18.0%	1	8	Fallow	1.1%
				2	5.2	Wheat	0.7%
				4	125.0	Wheat	17.1%
				5	8.3	Wheat	1.1%
				6	58.9	Wheat	8.1%
				7	5.8	Potato	0.8%
				8	4.4	Potato	0.6%
				9	5.2	Potato	0.7%
				10	6.5	Potato	0.9%
				11	7.7	Potato	1.1%
				12	130.0	Potato	17.8%
				13	6.2	Potato	0.8%
				14	127.2	Potato	17.4%
				15	8.5	Potato	1.2%
728			100%	730.4			

Fields were renumbered in 1999

SUMMARY:

Crops Grown	98	99	Average % Grown	Average Acres/yr
Alfalfa Hay	30.7%	28.4%	29.5%	214.90
Potatoes	30.1%	41.3%	35.7%	259.66
Wheat	35.9%	26.3%	31.1%	226.28
Fallow	3.3%	3.3%	3.3%	24.15
	100.0%	99.3%	99.6%	725

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MAR 29 2001

Crop History Evaluation for estimation of Diversion Volume and Consumptive Use

Allen and Brockway Data

Transfer No. Steve Boschma Transfer

Date: 03/31/00

Allen and Brockway report site:

Gaidwell

Wt'n Name

DIS

Year	Crop	Acres	Method	App. Eff. %**	IR for Crop m/seaso	Crop Div Vol AF/Ann	Crop CU AF/Ann
2 yr	Alfalfa Hay	214.90	sprinkler	70%	879	885.35	619.74
Avg	Potatoes	259.66	sprinkler	70%	689	838.51	586.96
	Wheat*	226.28	sprinkler	70%	722	765.72	536.00
	Fallow	24.15					
Totals		725				2490	1742.70

Summary for 2 year period:

Average Acres Irrigated	725	Acres	Average Diversion Vol/acre	3.43
Total Diversion	2490	AF/ann	Average Consumptive Use/acre	2.40
Total Consumptive Use	1743	AF/ann		

* Soft white winter wheat

FSA FAX

ELMORE COUNTY
FARM SERVICE AGENCY
795 S HASKETT ST
MOUNTAIN HOME, ID 83647

208 587-3303 EXT 2
FAX 208 587-6630



March 24, 2000

Pages 1 of 2

TO: DARWIN VANDERSTELT

465-9497

FROM: GAIL DAVIS, PROGRAM TECHNICIAN

SUBJECT: DESERT SEA FARMS

Gail

CROP HISTORY FOR THE ABOVE FARM AS REQUESTED

1999	1998	1997	1996	1995
ALFALA WHEAT POTATO	ALFALA POTATO WHEAT	CRP	CRP	CRP

THE MAP I'M SENDING IS FROM OUR 1999 PHOTO. IF YOU
NEED ANYTHING ELSE PLEASE CONTACT THIS OFFICE.

MICROFILMED
MAR 29 2001

ORE, IDAHO

Form Approved - OMB No. 0560-0004

FSA-578(02-01-91)

REPORT OF ACREAGE

PROGRAM YEAR 1999

FARM NUMBER: 706

FARM AND TRACT DETAIL LISTING

DATE: 06-10-1999

Operator Name and Address ID

Original: gh

BENNETT CREEK FARMS PARTNERSHIP

Revision: _____

PO BOX 99

MOUNTAIN HOME, ID 83647-0099

Cropland: 727.5

Farmland: 783.0

Tract Number	Field Num ID	Irr	Crop	Var/Type	Int Use	Land Use	Reported Acreage	Determined Acreage	O/M	Crop Stat	Plant Frac	Food Share	Prod ID
549	16	Ir	ALFAL		Hay		60.00			I			DEF
	17	Ni	FALLOW				6.30			I			DEF
	18	Ir	ALFAL		Hay		6.30			I			DEF
	19	Ni	FALLOW				10.10			I			DEF
	20	Ir	ALFAL		Hay		130.70			I			DEF
	21	Ir	ALFAL		Hay		10.10			I			DEF
		Crop		Nirr	Irr	Crop		Nirr	Irr				
		ALFAL		207.1		FALLOW		16.4					

Photo Number/Legal Description: 616 SEC 1 T3S R3E SEC 6 T3S R4E

Cropland:	223.5	Reported:	223.5	Difference:	.0	Reported D.B.S.R.A:	.0
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910	1	Ni	FALLOW				8.00			I			DEF
	2	Ir	WHEAT	SWW	Grain		5.20			I	2		DEF
	4	Ir	WHEAT	SWW	Grain		125.00			I	2		DEF
	5	Ir	WHEAT	SWW	Grain		8.30			I			DEF
	6	Ir	WHEAT	SWW	Grain		58.90			I			DEF
	7	Ir	PTATO	GRA	Proces	F FAV	5.80			I	2		DEF
	8	Ir	PTATO	GRA	Proces	F FAV	4.40			I			DEF
	9	Ir	PTATO	GRA	Proces	F FAV	5.20			I			DEF
	10	Ir	PTATO	GRA	Proces	F FAV	6.50			I			DEF
	11	Ir	PTATO	GRA	Proces	F FAV	7.70			I			DEF
	12	Ir	PTATO	GRA	Proces	F FAV	130.00			I			DEF
	13	Ir	PTATO	GRA	Proces	F FAV	6.20			I			DEF
	14	Ir	PTATO	GRA	Proces	F FAV	127.20			I			DEF
	15	Ir	PTATO	GRA	Proces	F FAV	8.50			I			DEF
		Crop		Nirr	Irr	Crop		Nirr	Irr	Crop		Nirr	Irr
		FALLOW		0.0		WHEAT		301.3		WHEAT			197.4

Photo Number/Legal Description: 616 R 4E T 2S SEC 31.32

Cropland:	504.0	Reported:	506.9	Difference:	2.9	Reported D.B.S.R.A:	.0
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PAGE 1

MAR 29 2001

ELMORE, IDAHO

Form Approved - GSA No. 3560-0004

FSA-578(02-01-91)

REPORT OF ADMEAGE

PROGRAM YEAR 1970

FARM NUMBER: 708

FARM AND TRACT DETAIL LISTING

DATE: 03-24-1999

Operator Name and Address ID

Original:

SENNETT CREEK FARMS PARTNERSHIP

Revision: *gd*

PO BOX 70

MOUNTAIN HOME, ID 83647-0009

Cropland: 733.5

Farmland: 733.9

Tract Number	Field Num ID	Irr Pct	Crop	Var/ Type	Int Use	Land Use	Reported Acreage	Determined Acreage	G/ H	Crop Stat	Plnt Frac	Prod Share	Prod ID
549	1	Ir	ALFAL		Hay	NCROP	59.96			I		1.0000	0884
	2	Ir	ALFAL		Hay	NCROP	163.56			I		1.0000	0884
			Crop NCROP	Nilr 223.5	Irr								

Photo Number/Legal Description: G16 SEC 1 T35 R3E SEC 6 T35 R4E

Cropland: 223.5 Reported: 223.5 Difference: .0 Reported D.B.S.R.A.: .0

519	1	Ir	PTATO	GRA	Proces	F FAV	140.00			I	2	1.0000	0764
	2	Ir	PTATO	GRA	Proces	F FAV	58.96			I		1.0000	0764
	3A	Ir	WHEAT	SNW	Grain		130.96			I	2	1.0000	0884
	3B	Nil	FALOW				24.00			I		1.0000	0884
	4	Ir	WHEAT	SNW	Grain		131.16			I	2	1.0000	0884
			Crop FALOW	Nilr 24.0	Irr	Crop GRAV	Nilr 218.9	Irr		Crop WHEAT	Nilr		Irr 241.1

Photo Number/Legal Description: G16 R 4E T 2S SEC 31,32

Cropland: 594.5 Reported: 594.5 Difference: .0 Reported D.B.S.R.A.: .0

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PAGE 1

MAR 29 2001

LAGOON STORAGE VOLUME WORKSHEET

Manure into lagoon: %
 Milk Cows 55% Parlor and holding pen
 Dry Cows 40% Corrals with flush alley + calving barn with flush
 Heifers 0% Corrals with flush alley for breeding pen, calves

Separator efficiency 88%

6 Manure into lagoon in cu.ft./day

Wash Pen:

7 Number of sprinklers in holding pen 150

8 Sprinkler output in gallons per minute (gpm) 4.04

(@50 psi 9/64 = 4.04; 5/32 = 4.98;
 11/64 = 6.01; 3/16 = 7.18)

9 Minutes per day sprinklers are used:

No. of Strings 12

Minutes/String 5

Number of milkings per day 12

10 Days run per year 365

11 Total wash pen water in Gals/day (Lines 7 X 8 X 9 X (line10/365)

Milkhouse and parlor:

gals/optn. x's/day Gals/day

Bulk Tank 250 1 250

Pipeline 250 2 500

Backflush 105 2 210

Cleanup 1500 2 3000

Cow Prep 0.25 2 0.5

Plate Cooler (ignore if recycled)

12 Total Milkhouse and parlor in Gals/day :

13 Total Milking Center Water in Gals/day 29,586,900

14 Total Milking Center water in cu.ft/day

Days storage required 180

15 Total storage required for Manure and barnwater (Cu.ft)

Total volume of liquid waste produced per year

Runoff Calculations :

Area1 length in ft 120

Area1 width in ft 18

Area 2 length in ft 120

Area 2 width in ft 10

Runoff area in Sq. ft. and acres

Precipitation in 25 yr 24hr storm from map (inches) 2

Runoff /1000 sq.ft. from Table 6 (Cu.ft) 96.92

16 Cu. ft. of storage required by 25 yr/24hr. storm

Precipitation from 1 in 5 yr winter from Table 7 (in) 5.4

Runoff /1000 sq.ft. from Table 7 (Cu.ft) 75

17 Cu. ft. of storage required by 1 in 5 yr winter precipitation

18 Total Storage required (cu. ft.)

Settling Pond (No runoff in lagoons)

No. of Cells 2

Slope 2:1

Depth (ft) (add 2' freeboard) 8

Width of lagoon at top (ft) 50

Width of lagoon at bottom(ft)

Avg Width

Length at top 400

Length at bottom

Avg. Length

Actual Capacity in Cu. Ft.

Prepared by
 Darwin Vander Stelt

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 MAR 29 2001

Main Storage lagoon (No runoff in lagoons)

No. of Cells	
Slope	2:1
Depth (ft) (add 2' freeboard)	12
Width of lagoon at top (ft)	320
Width of lagoon at bottom(ft)	
Avg Width	
Length at top	680
Length at bottom	
Avg. Length	
Actual Capacity in Cu. Ft.	

Runoff Calculations :

Area1 length in ft	1320
Area1 width in ft	2640
Area 2 length in ft	10
Area 2 width in ft	0
Runoff area in Sq. ft. and acres	3,432,000 10.00

Precipitation in 25 yr 24hr storm from map (inches)	2
Runoff /1000 sq.ft. from Table 6 (Cu.ft)	96.92

16 Cu. ft. of storage required by 25 yr/24hr. storm

Precipitation from 1 in 5 yr winter from Table 7 (in)	5.4
Runoff /1000 sq.ft. from Table 7 (Cu.ft)	75

17 Cu. ft. of storage required by 1 in 5 yr winter precipitation**18 Total Storage required (cu. ft.)****Runoff Basin**

No. of Cells	
Slope	2:1
Depth (ft) (add 2' freeboard)	6
Width of lagoon at top (ft)	325
Width of lagoon at bottom(ft)	
Avg Width	
Length at top	325
Length at bottom	
Avg. Length	
Actual Capacity in Cu. Ft.	

More than adequate runoff storage

Attachment F

To: Idaho Dept. of Water Resources
Western Region
Boise, ID

RECEIVED

SEP 12 2000

**WATER RESOURCES
WESTERN REGION**

RE: Application for change in nature of use and place of use
(Water right nos. 61-07247B, 61-07263, 61-07264)

Section 42-222 of the Idaho Code requires that the IDWR consider 4 issues in connection with changes in the nature and place of use:

- 1) Will the proposed change injure other water rights?
- 2) Will the proposed transfer constitute an enlargement of the original right?
- 3) Is the proposed transfer in the local public interest as defined in 42-203A(5)(e)?
- 4) Is the proposed use contrary to conservation of water resources within the state of Idaho?
- 5) Will the proposed change in nature of use significantly affect the agricultural base in the area?

This memorandum will attempt to provide a response to these concerns.

1.) Injury to other water users.

The proposed change in the nature of use will not increase the demand on any aquifer because there will be a **net decrease in annual water diversion** as a result of this request. Land has been removed from irrigation to compensate for the water used by the dairy. Because the IDWR has classified all dairy use as consumptive, and because the IDA has required that the dairy dispose of process water on growing crops with appropriate respect for hydraulic balance and the available water—holding capacity of the soil, it is clear that there will be a substantial decrease in the total amount of water pumped from this aquifer. Accordingly, nearby irrigation wells will benefit from this transfer. In addition, water will be pumped year round instead of seasonally, and this will further benefit nearby irrigation wells during the irrigation season. **Nearby irrigation wells are greater than one mile distance from the proposed irrigation well, as shown on the attached topographical map** and the quantities conserved are calculated on the attached "Analysis of consumptive water use before and after the dairy installation".

The dairy facility to be constructed on this site is required by the Idaho Department of Agriculture rules to prevent ground water or surface water contamination. All runoff from the dairy site must be contained in lagoons or containment basins with clay or other type of impervious bottom. No runoff from farm land is allowed until manure is incorporated into the soil, and manure must be applied at agronomic rates. As a condition of the

Grade a permit, the proposed dairy is required to prepare and adhere to a nutrient management plan, which will limit the quantities of manure which may be applied. Soil samples will be taken by the department of Agriculture soil sampler and repeated every three years to ensure that nutrient concentrations remain at or below environmentally sound levels.

2. Enlargement of the original right.

The application is for a change in the nature and place of use, not for a change in the amount of water licensed. Calculations attached to the application and also the last page of this attachment demonstrate that there is in fact a reduction in both total diversion and consumptive use brought about by this transfer. The nutrient management plan will require (by IDA Rules) that the lagoon water be applied to growing crops. Waste water must be applied with appropriate concern for hydraulic balance and the available water capacity of the soil. The convention of classifying all the process water as consumptive is a fiction because this water will replace irrigation water, gallon for gallon. This request will result in a substantial reduction in the right.

3. Local public interest.

The Idaho Code defines the local public interest as "the affairs of the people in the area directly affected by the proposed use."

This transaction (and consequently this transfer request) required the buyer to obtain a Conditional Use Permit to construct the dairy, and a local CAFO permit to operate the dairy in Elmore county. **After a public hearing on April 28, 2000, both permits were granted and were effective May 12, 2000. A Copy of the "Findings of fact, conclusions, and order" are attached.** The people in the area have spoken through their duly selected representatives on the issue of whether this proposed facility is in the local public interest.

4. Consistent with conservation of water

The reduction of consumptive use demonstrated on the next page is a conservation of water. In addition, the dairy will catch and store runoff from corrals, barns and other areas where percolation is not possible. This water will be applied to farm ground during the summer when demands on irrigation water are greatest. All runoff storage that does not evaporate will replace irrigation water, gallon for gallon. The dairy will pump a substantial portion of the water during periods when the Snake River is high and demands on the aquifer are low. Coupled with the true reduction in total diversion, the dairy makes a significant contribution to the maintenance of stream flows in the summer.

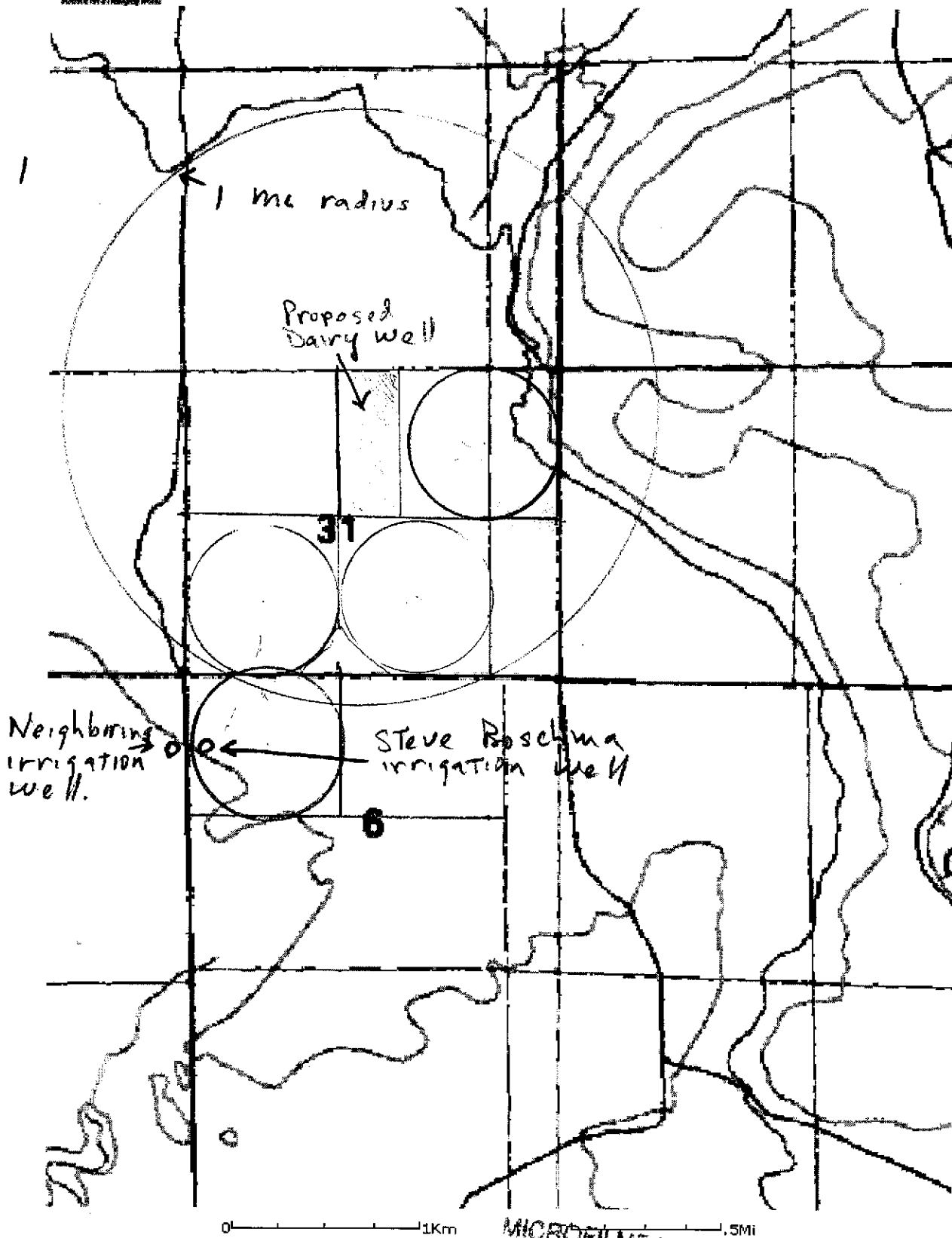
5. Effect on the local agricultural base.

A commercial dairy facility shares certain economic characteristics with any commercial, year-round enterprise. Employees work all year, and salaries must remain competitive to maintain a full time work force. This facility will increase Elmore county employment by 25 full time jobs. The dairy purchases most inputs locally, providing local growers a market for feed crops, and local dealers and repair shops increased business. The dairy will have an annual operating budget of approximately \$10,500,000. Of this it is

estimated that at least \$8,000,000 will be spent locally on feed, equipment and repairs, and supplies. The new construction of the dairy facility will add approximately \$5,000,000 to the county tax base, which will result in substantial revenue for local government entities which rely on the property tax. This transfer is supported by neighboring farmers, by Elmore County officials, and by the Idaho Department of Agriculture. It will have a beneficial effect on the local economic base, and will improve the quality of life of the community.

If any other information is required, the applicant will respond in timely fashion.

52 km SE of Boise, Idaho, United States 01 Jul 1990



MAR 29 2001

**FINDINGS OF FACT, CONCLUSIONS, AND ORDER
FOR A CAFO SITING AND CONDITIONAL USE PERMIT**

**For And In Behalf of Steve Boschma, Operating as Lone Pine Dairy.
Whose Application for a Confined Animal Feeding Operation (CAFO) Siting and
Conditional Use Permit For:
A Dairy In An "Agriculture A Zone"**

COPY
Mailed to Boschma 05/08/00

**WHICH CAME BEFORE THE PLANNING AND ZONING COMMISSION
ELMORE COUNTY, IDAHO FOR CONSIDERATION**

INTRODUCTION

This matter came before the Elmore County Planning and Zoning Commission (hereafter the "Commission") which met in quorum on April 26, 2000, being comprised of: Chairman Calvin Ireland, Mike Wing, Rich Morrison, Nick Nettleton, Henry Redford, Alan Sobtzak, Todd Waite, Stephanie Burgh, and Carlene Briathwaite. Following a public hearing on the matter, the Commission met, discussed the application and voted upon it.

The matter is now judged and reported thus:

FINDINGS OF FACT

Having given due consideration to the record before it, including the application and evidence presented at the public hearing and in writing, the Commission finds as follows:

1. Steve Boschma, operating as Lone Pine Dairy (hereinafter referred to as the "applicant"), filed an application for a Confined Animal Feeding Operation Siting Permit and a Conditional Use Permit with the Office of the Zoning Administrator of Elmore County, to develop a dairy located on 720 acres in portions of Sections 31 and 32, Township 2 South, Range 5 East and a portion of Section 6, Township 3 South, Range 5 East, Boise Meridian.
2. The property described in the application is located in an existing "Agriculture A Zone" which requires issuance of a Confined Animal Feeding Operation Siting Permit and a Conditional Use Permit to operate a dairy within its district borders.
3. The property(s) of concern is described by (a) Warranty Deed(s) opy attached)
4. The proper legal requirements for advertisement of the application's public hearing have been fulfilled as required by the Elmore County Zoning and Development Ordinance and by the laws of the State of Idaho. Advertisement took place on April 5, 2000 and public hearing was held on April 28, 2000.
5. The Commission received written comments from various agencies and individuals regarding this proposed project. Said written comments are part of the applicant's file and are therefore included in the public record of this matter.

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*Maletk Brodina
05/08/01*
COPY

6. The Commission received spoken and written testimony supporting the project. Testimony was that it would be economically beneficial to the area and that it would comply with all governmental standards and guidelines to manage and dispose of dairy waste. There was no testimony opposing the application.

7. Chapter I, Article XIV, Section C. 14-1 of the Elmore County Zoning and Development Ordinance requires the Commission to consider and find certain items before issuing a conditional use permit. The Commission finds:

A. That the proposed use is, in fact, a conditional use under the Ordinance.

B. The proposed conditional use will be in accordance with the Comprehensive Plan and the Ordinance.

C. The proposed project will in fact, be harmonious with the general vicinity and the will not change the essential character of the area if constructed in accordance with the development conditions and operating conditions placed upon the project by the State of Idaho, the Elmore County Zoning and Development Ordinance, the Elmore County Interim CAFO Ordinance and the Elmore County Planning and Zoning Commission. The proposed project is an agricultural development project within an existing agricultural area.

D. The proposed project will not be hazardous or disturbing to existing or future neighboring uses if constructed in accordance with the development conditions and operating conditions placed upon the project by the State of Idaho, the Elmore County Zoning and Development Ordinance, the Elmore County Interim CAFO Ordinance and the Elmore County Planning and Zoning Commission.

E. The proposed project can be adequately served by available public facilities if constructed in accordance with the development and operation conditions outlined by the applicant and the development conditions placed upon the project by the State of Idaho, the Elmore County Zoning and Development Ordinance, the Elmore County Interim CAFO Ordinance and the Elmore County Planning and Zoning Commission.

F. The Project will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the County.

G. The proposed project will not create objectionable conditions or nuisances if it is constructed and operated in accordance with the development and operating conditions submitted by the applicant and the requirements placed upon the project by the State of Idaho, the Elmore County Zoning and Development Ordinance, the Elmore County Interim CAFO Ordinance and the Elmore County Planning and Zoning Commission.

H. Vehicular approaches to the project shall not create an interference with traffic on surrounding public or private roadways.

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COPY
Mailed to Boschma 05/08/00

J. There will be no destruction, loss, or damage of natural or scenic features of major importance.

8. The Elmore County Interim CAFO Ordinance sets forth requirements for siting and design of a Confined Animal Feeding Operation within Elmore County. The Commission finds that the applicant has met all relevant requirements with the exception of the setback from a flood plain as required in Section VIII(C)(7). However, as allowed in that section, the Commission finds that a natural berm running across the applicant's property prevents the possibility of water pollution or injury to neighboring property owners. This finding is supported by topographical maps provided and certified by the Department of Agriculture and testimony of the applicant.

THEREFORE, the Commission finds that satisfactory evidence was presented or received to cause it to conclude that the proposed dairy operation as presented by the applicant, would be in the best interests of the citizens of Elmore County, would comply with the requirements of the Elmore County Comprehensive Plan, the Elmore Zoning and Development Ordinance, the Elmore County Interim CAFO Ordinance and health and safety guidelines of the State of Idaho when operated under the conditions and requirements set forth below.

CONCLUSIONS OF LAW

The proposed use and site, as set forth in the application, with the conditions set forth below in the accompanying Order, meets all requirements listed in the Elmore County Zoning and Development Ordinance at Chapter I, Article XIV, Section C. 14-1 (Conditional Use Standards) and the Elmore County Interim CAFO Ordinance and therefore should be conditionally approved.

ORDER

Pursuant to Article XIV of the Elmore County Zoning and Development Ordinance, the Elmore County Planning and Zoning Commission hereby conditionally approves Steve Boschma's request for a Confined Animal Feeding Operation Siting and a 3X Conditional Use Permit. Steve Boschma is therefore granted approval to site a dairy (and accessory appurtenances) in an "Agriculture A Zone" in Elmore County. This approval is hereby made contingent upon the applicant's compliance with the following **Conditions of Approval**:

1. A Waste Management System for the complete dairy operation must be designed and approved in accordance with the requirements of the Idaho Department of Agriculture and the Idaho Division of Environmental Quality. The Waste Management System for the complete dairy operation must incorporate backup power system.
2. A dry fire hydrant must be provided for the dairy to facilitate fire protection/suppression.
3. Any dead animals generated from the proposed dairy operation must be screened from public view and must be removed from the site as soon as possible. There must be dead animal

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removal service available to the dairy operation on a yearly basis occurring at least three times each week, if necessary.

4. The applicant is required to obtain the following permits:
- Water Use Permit from the Idaho Department of Water Resources
 - Grade A Dairy Permit from the Idaho Department of Agriculture
 - N.P.D.E.S.-C.A.F.O. Permit from the Idaho Division of Environmental Quality or United States Environmental Protection Agency, whichever agency possesses granting authority at the time of application.
5. The applicant(s) shall comply with all other reasonable regulatory requirements of agencies appropriately involved in the review and monitoring of this application.
6. Lighting for the dairy operation shall be designed so as to minimize impact on surrounding properties. Any combination or use of directed, shuttered and downward oriented lighting shall be acceptable mitigation techniques.
7. Management efforts shall be executed to provide vector, dust and odor control in order to minimize impact on surrounding properties by the dairy.
8. The applicant must construct and operate the dairy in accordance with the applicant's verbal and written testimony including all representations of performance and mitigation submitted to Elmore County as contained within the public record.

APPROVAL OF CONCLUSIONS, FINDINGS AND CONDITIONS

The Elmore County Planning and Zoning Commission hereby adopts and approves the aforementioned Findings of Fact and Conclusions together with the Conditions of Approval and expects the applicant to develop in good faith in accordance with their presentations and per the conditions.

ROLL CALL:

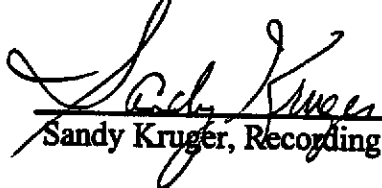
CHAIRMAN CALVIN IRELAND
COMMISSIONER CARLENE BRAITHWAITE
COMMISSIONER STEPHANIE BURGH
COMMISSIONER NICK NETTLETON
COMMISSIONER HENRY REDFORD
COMMISSIONER TODD WAITE
COMMISSIONER ALAN SOBTZAK
COMMISSIONER MIKE WING
COMMISSIONER RICH MORRISON

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ATTEST:



Sandy Kruger, Recording Secretary

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Made to Bosch 05/08/00

The reason for the approval with conditions is that the application meets all criteria in Article XIV, Section C.14-1 and the Elmore County Interim CAFO Ordinance if the previously stated Conditions are met and maintained in compliance.

DATED this 26th day of April, 2000.

Effective the 12th day of May, 2000.


Commission Chairman or Administrator

*Note:

A decision made by the Elmore County Planning and Zoning Commission may be appealed to the Board of Elmore County Commissioners provided the appeal is submitted to said Board within fifteen (15) calendar days of Commission action by 5:00 p.m. on the 15th day. Questions concerning appeals or deadlines falling on holidays or weekends should be asked of the Elmore County Planning and Zoning Staff during normal business hours.

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Appendix F, Continued

Analysis of consumptive water use before and after the dairy installation

The nutrient management plan will require that effluent be applied to growing crops at times when there is available water-holding capacity in the root zone. Effectively, this means that effluent application will replace irrigation water on land remaining in crop production.

Use before construction of Dairy (98,99 data)

Allen & Brockway Site:

Mountain Home

Average crops last 2 years:

				Average Water Use			
Crop		Acres	Method	App. Eff. %	IR for Crop MM/season	Crop Div Vol AF/Ann	Crop CU AF/Ann
Alfalfa Hay		214.9	sprinkler	0.7	879.0	885.3	619.7
Potatoes		259.7	sprinkler	0.7	689.0	838.5	587.0
Wheat*		226.3	sprinkler	0.7	722.0	765.7	536.0
Fallow		24.2					
Total acres in crop		725.0	Total water use		2490	1743	

Summary for 2 year period:

Average Acres Irrigated	725	Acres	Average Diversion Vol/acre	3.43
Total Diversion	2490	AF/ann	Average Consumptive Use/acre	2.40
Total Consumptive Use	1743	AF/ann		

(Only 722 acres are licensed but the 725 listed here includes 24 acres fallow. Consumptive use was calculated from FSA documents using actual crop acres, including fallow or non-irrigated acres.)

Use after construction of Dairy:

Acres currently licensed less 91 Acres dried up = 631 acres to be farmed
 Using the irrigation efficiencies and consumptive use figures above, actual use now will be

Irrigation:	<u>Consumptive use</u>	<u>Total diversion</u>	
Irrigation	1517	2168	
less lagoon water used to irrigate*	(64)	(90.8)	(Process water from attachment A)

Dairy:

Add water transferred by this application

	218	
Total use (afa)	1672	

	218	
	2295	

assumes waste water applied is subject to same efficiency factors as irrigation water.

Total reduction in consumptive use

71 afa

Total reduction in annual diversion

195 afa

This transfer also reduces the total diversion of water licensed:

Currently licensed total diversion (afa)	2888	(4 afa x's 722 acres)
Total diversion volume if transfer is granted(afa)	2743	(4 afa x 631 + dairy use)
Reduction in licensed volume (afa)	145	

*Assumes runoff collection on approximately 65 acres of yards, roof and driveway will ~ = evaporation loss

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 61-07263

NAME AND ADDRESS: DESERT SEA FARMS LLC
905 E 13TH N
MOUNTAIN HOME, ID 83647

SOURCE: GROUNDWATER

QUANTITY: 2.40 CFS

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER TRANSFER 5145 SHALL NOT EXCEED 3.60 CFS, NOR
TOTAL COMBINED ANNUAL VOLUME OF 900.0 AF.

RIGHT 61-07263 WHEN COMBINED WITH RIGHTS 61-07247B AND
61-07264A & 61-07264B SHALL NOT EXCEED 11.36 CFS.

PRIORITY DATE: 04/01/1976

POINT OF DIVERSION: T02S R05E S31 LOT 01 (SESESW) Within Elmore County
T03S R05E S06 LOT 04 (SWNNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.40 CFS

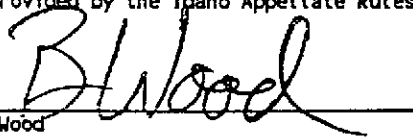
PLACE OF USE:	Irrigation	Within Elmore County
	T03S R05E S06 LOT 03 (NENW)39.0	LOT 04 (NNW)44.0
	LOT 05 (SWNW)43.0	SENW 39.0
	165.0 Acres Total	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

SRBA Partial Decree

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MAR 23 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5145
WATER RIGHT NO(S). 61-07247B/61-07263

This is to certify that: DESERT SEA FARMS LLC
905 E 13 N
MOUNTAIN HOME ID 83647

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 61-07247B :			
IRRIGATION	04/01 to 10/31	1.20 CFS	240.0 AF
Priority: 01/10/1976			
Right No. 61-07263 :			
IRRIGATION	04/01 to 10/31	* 2.40 CFS	660.0 AF
Priority: 04/01/1976			
TOTAL:		** 3.60 CFS	** 900.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: Lot 1(³SESW), Sec. 31, Township 02S, Range 05E
Lot 4(NWNW), Sec. 6, Township 03S, Range 05E
ELMORE County

PLACE OF USE: IRRIGATION

Right No. 61-07247B :

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03S	04E	1	Lot 1(NENE)	60		60
Total number of acres irrigated:						60

Right No. 61-07263 :

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03S	05E	6	Lot 3(NENW)	39	Lot 4(NWNW)	43
			SENE	38	Lot 5(SWNW)	45
Total number of acres irrigated:						165

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JAN 12 1998

TRANSFER NO. 5145
WATER RIGHT NO(S). 61-07247B/61-07263

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- ** 7. The total instantaneous diversion of water from all points of diversion under Transfer 5145 shall not exceed 3.60 cfs, nor total combined annual volume of 900.0 af.
- * 8. Right 61-07263 when combined with Rights 61-07247B and 61-07264 shall not exceed 11.36 cfs.

Dated this 16th day of December, 1997.


Chief, Water Allocation Bureau

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JAN 12 1998

State of Idaho
Department of Water Resources

AMENDED

WATER RIGHT LICENSE

AMENDED

WATER RIGHT NO. 61-07263

Priority: April 1, 1976

Maximum Diversion Rate: 2.40 CFS
Maximum Diversion Volume:¹ 742.5 AF

This is to certify, that JEROLD L. WOOD
EST. OF EDNA BALLANTYNE
MARTHA ESSON
W. J. BALLANTYNE
HERBERT C. HETHERINGTON

919 N. 17TH ST.
BOISE, ID 83702

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 1, 1976; and has submitted Proof of Beneficial Use on May 8, 1981. An examination indicates that the works have a diversion capacity of 11.360 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.40 CFS	742.5 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 3(SESW), Sec. 31, Township 02S, Range 05E
LOT 1(NENE), Sec. 1, Township 03S, Range 04E
ELMORE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03S	05E	6	LOT 3(NENW) 39 SENE 38	LOT 4(NWNW) 43	LOT 5(SWNW) 45	165
Total number of acres irrigated:						165

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

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DEC 11 1990

State of Idaho
Department of Water Resources

AMENDED

WATER RIGHT LICENSE

AMENDED

WATER RIGHT NO. 61-07263

CONDITIONS/REMARKS:

5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
6. This right when combined with rights 61-07247B and 61-07262 shall not exceed 11.36 cfs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 4TH day of DECEMBER, 1990.

Acting for


R. Keith Higginson, Director

MICROFILMED

DEC 11 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 61-07263

Priority: April 1, 1976

Maximum Diversion Rate:
Maximum Diversion Volume:¹

1.46 CFS
391.5 AF

This is to certify, that JEROLD L. WOOD
EST. OF EDNA BALLANTYNE
MARTHA ESSON
W. J. BALLANTYNE
HERBERT C. HETHERINGTON

919 N. 17TH ST.
BOISE, ID 83702

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 1, 1976; and has submitted Proof of Beneficial Use on May 8, 1981. An examination indicates that the works have a diversion capacity of 10.250 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	1.46 CFS	391.5 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 3(SESW), Sec. 31, Township 02S, Range 05E
LOT 1(NENE), Sec. 1, Township 03S, Range 04E
ELMORE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03S	05E	6	LOT 3(NENW) 39 SENW 38	LOT 4(NWNW) 4	LOT 5(SWNW) 6	87
Total number of acres irrigated:						87

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for lands above.

MICROFILMED

AUG 23 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 61-07263

CONDITIONS/REMARKS:

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 18TH
day of AUGUST, 1989.

Acting for

R. Keith Higginson, Director

MICROFILMED

AUG 23 1989

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07263

RECEIVED
AUG - 8 1988

Date of Priority: April 1, 1976

Comes now EST. OF EDNA BALLANTYNE
W. J. BALLANTYNE
MARTHA ESSON
HERBERT C. HETHERINGTON
JEROLD L. WOOD
919 N. 17TH ST.
BOISE, ID 83702

Department of Water Resources
APPROVED

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 61-07263, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	03/15 to 11/15	1.46 CFS	391.5 AFA

LOCATION OF POINT OF DIVERSION(S): LOT 3(SESE), Sec. 31, Township 02S, Range 05E
LOT 1(NENE), Sec. 1, Township 03S, Range 04E
ELMORE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03S	05E	6	LOT 3(NENW) 39 SENE 38	LOT 4(NWNW) 4	LOT 5(SWNW) 6	87

Total number of acres irrigated: 87

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Boise Idaho, this 1 day of August, 1988.

MICROFILMED

AUG 23 1988

Jerold L. Wood
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07263

FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = \$20.00 ✓ Receipted by HM Date 8/9/88 #C002180

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 61-07263 with the following;

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

Witness my hand this 14th day of August, 1989.

Norman C. Young
Acting for (Director)

MICROFILMED

AUG 23 1989

JIM

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT #	NAME	AMOUNT C.F.S.
App. for Permit	61-7263	Robert E. &/or Betty F. Osborn	3.39 cfs
Assignment	61-7263	Hergert Farms	3.39
Assignment	61-7263	Ballantyne, W. J. Esson, Martha Edna Ballantyne Estate Wood, Jerold L. Hetherington, Herbert	3.39

MICROFILMED

AUG 23 1989

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF ELMORE

W.J. BALLANTYNE; MARTHA ESSON;
W.J. BALLANTYNE as Peronsl
Representative of the Estate
of Edna Ballantyne, deceased;
JEROLD L. WOOD and HERBERT C.
HETHERINGTON,
Plaintiffs,

vs

BRYCE L. HERGERT, aka Bryce
Lee Hergert and PENNY E.
HERGERT, aka Penny Hergert,
husband and wife; HERGERT
FARMS, a co-partnership, aka
Hergert Farms, a partnership;
NIEL A. HERGERT and MARIE R.
HERGERT, husband and wife;
RICHARD WAYNE HERGERT and
KELLY R. HERGERT, husband and
wife; MONTE E. HERGERT and
VALINDA T. HERGERT, husband
and wife; UNITED STATES OF
AMERICA, Acting through the Farmers
Home Administration; INTERSTATE
PRODUCTION CREDIT ASSOCIATION,
a corporation; C & H FARMS, INC.; and
FIRST SECURITY BANK OF IDAHO, N.A.,
Defendants.

SHERIFF'S CERTIFICATE OF SALE
UNDER WRIT OF EXECUTION

Case No. 9839

SHERIFF'S OFFICE)
COUNTY OF ELMORE) SS:
STATE OF IDAHO)

I, RICK LAYHER, Sheriff of the County of Elmore, State of Idaho, do hereby certify that under and by virtue of a WRIT OF EXECUTION in the above entitled action, attested upon the 8th day of December, 1986, issued on a judgment entered in the said cause in favor of the plaintiffs and against the defendants upon the 8th day of December, 1986, by which Writ of Execution, I was commanded to make the sum of \$129,928.76, plus interest from December 8, 1986 in the amount of \$1706.09 and accruing costs of \$216.76, making a total of \$131,851.61 out of the sale of the real property described in the said Notice of Sheriff's Sale and in this Certificate at public auction.

I further certify that I did levy upon the within described real property under this Writ of Execution, on the 9th day of December, 1986. That on the 6th

day of January, 1987, between the hours of 9:00 o'clock in the forenoon and 5:00 o'clock in the afternoon, to-wit: at the hour of 10:00 o'clock in the forenoon of the said day, at the front door of the Elmore County Courthouse in Mountain Home, County of Elmore, State of Idaho, I sold at public auction according to law to W.J. Ballantyne; Martha Esson; W.J. Ballantyne as personal representative of the Estate of Edna Ballantyne, deceased; Jerold L. Wood and Herbert C. Hetherington, the within named plaintiffs, a bid made by Donald E. Downen of Gigray, Miller, Downen, Weston & Pasley, Attorneys at Law for the within named plaintiffs, who was the highest and best bidder for the sum of \$131,851.61, all of the right, title, claim and interest of the within named defendants, in and to the following described real property, situated in Elmore County, Idaho, to-wit:

Lots 3, 4 and 5 and the Southeast Quarter of the Northwest Quarter of Section 6, Township 3 South, Range 5 East of the Boise Meridian, in Elmore County, Idaho.

AND

Lot 1 of Section 1, Township 3 South, Range 4 East of the Boise Meridian, Elmore County, Idaho.

Together with all and singular the tenements, herditaments and appurtenances thereunto belonging or in anywise appertaining, including all water rights, water permits and ditch rights and rights of way for water and ditches.

That said property was sold in one lot or parcel for the said sum of \$131,851.61, which was the whole price paid for the same and that said property is subject to redemption in one (1) year in lawful money of the United States of America, with interest and costs, pursuant to the Statutes in such cases made and provided.

Dated: 6th day of January, 1987

ELMORE COUNTY, IDAHO, ss
Request of

239355

RICK LAYHER, Sheriff
Elmore County, Idaho

Time 3:07 P. M.

Date January 7, 1987

Book _____ of _____

Page _____

RAMONA YRAZABAL

By Merla Becker Feb 4th

Subscribed and sworn to before me this

By Sandy Miller
Deputy Sheriff

7th day of January, 1987

Alice Olsen
NOTARY PUBLIC for Idaho
Residing in Mtn. Home, Idaho

ok
Juni

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

545
750
RECEIVED
MAR 20 1981

I, Robert E. &/or Betty Osborn, hereby assign to Hergert Farms Department of Water Resources
of P.O. Box 787, Mountain Home, ID 83647 Western Regional Office
Address

CHECK ONE

- ☒ All my right, title, and interest in and to Permit No. 61-7263
to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.
(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 20 day of MARCH, 19 81.

Robert E. Osborn
Permit Holder

Betty E. Osborn
Spouse of Permit Holder

State of Idaho)
County of ADA) ss.

On this 20 day of MARCH, 19 81, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

[Signature]
Notary Public residing at
Base, ID

My commission expires:
LIFE

RECEIVED
MAR 20 1981
a l

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 61-7263

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,


WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18th day of August, 1978.


C. STEPHEN ALLRED
Director

MICROFILMED

AUG 23 1989

ASSIGNED TO:
Hergert Farms
P. O. Box 787
Mountain Home, Idaho 83647
March 20, 1981

Identification No. _____

Application No. 661-7263

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Robert E. &/or Betty F. Osborn Phone: 587-5617
post office address 885 East 17th North, Mountain Home, Idaho 83647 (*address not used*)
2. Source of water supply Ground Water which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1 Township 3S
Range 4E B.M. Elmore County; additional points of diversion if any: _____
SESW, Sec. 36, T2S, R4E.
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 3.39 for irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 3.39 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____
Well, pump, pipeline and sprinkler system.
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo., Day) (Mo., Day)
- c. Proposed well diameter is 16 inches; proposed depth of well is 600 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 50,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3S	5E	6					Lot3 39.53	Lot4 44.86	Lot5 45	40									169.39

Total number of acres to be irrigated 169.39

c. Describe any other water rights used for the same purposes as described above.

None on this land. The wells also provide water for permit #61-7247 & #61-7202.

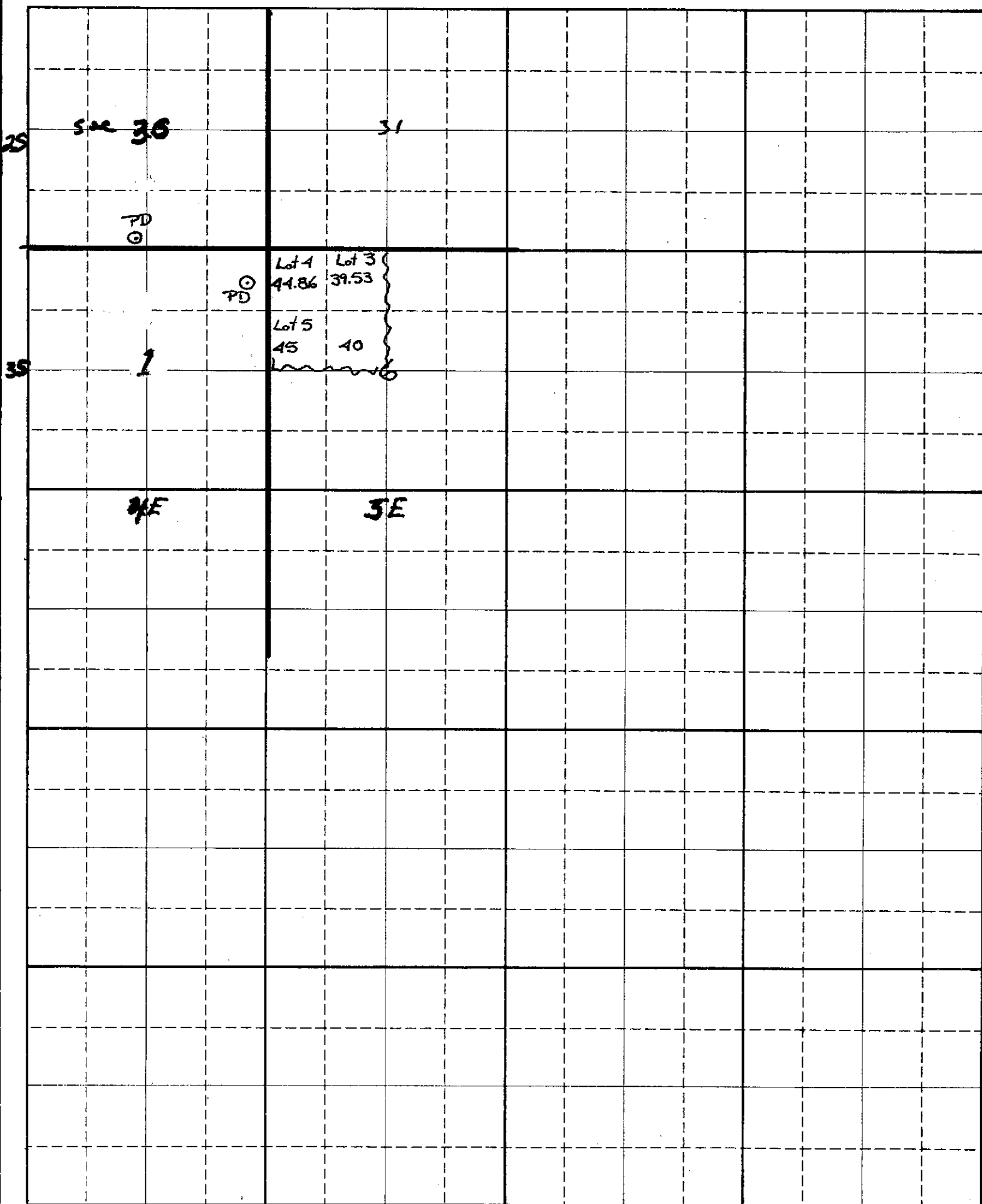
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

x Betty L. Osborn
(Applicant)

Proposed Priority 4-1-76

Received by BDE Date 4/1/76 Time 1:15pm

Preliminary check by BDE Fee \$ 55.00

Receipted by TB Date 4-1-76

#2709

Publication prepared by RB Date 4-8-1976

Published in MTW Home News

Publication dates Apr 15 + 22 RE-Ad - May 6 + 13

Publication approved RB Date 5-17-76

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by TH GRT

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 61-7263, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 81.

c. Other: A measuring device of a type approved by the Director shall be installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 28 day of May, 19 76.

R. Karl
Director

NOTICE OF CORRECTION

Notice is hereby given that notice of Application for Permit No. 61-7263 in the name of ROBERT &/or BETTY OSBORN was published in error on April 15 & 22, 1976.

The place of use was advertised as being within Gov't Lots 3, 4 & 5 Sec. 6 T3S-R5E B.M. Whereas, the actual place of use is Gov't Lots 3, 4 & 5 and SE 1/4 NW 1/4 Sec. 6 T3N-R5E B.M.

Any protest against approval of this application must be filed with the Idaho Department of Water Resources, Statehouse, Boise, ID 83720 on or before May 24, 1976.

R. KEITH HIGGINSON
Director

Published in the Mountain Home News, Mountain Home, ID on May 6, 1976 and May 13, 1976.

OK
5-17-76
23

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Uva M. Waters... do solemnly swear that I am the foreman, or publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in said newspaper for

...2... consecutive weeks, the first publication having been made on the ...6... day of ...May..., 1976, and the last publication having been made on the ...13... day of ...May... 1976...; every Thursday issue of the paper

during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Uva M. Waters
Subscribed and sworn to me this ...13... day of ...May..., 1976

Remona E. Yarbrough
Notary Public

RECEIVED
APR 24 1976
Department of Water Resources

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that ROBERT E. &/or BETTY F. OSBORN Mountain Home, ID has on April 1, 1976 submitted Application No. 61-7263 for a permit to appropriate 3.39 cubic feet per second of water from a groundwater source by means of well, pump, pipeline and sprinkler system within the NE 1/4 NE 1/4 Sec 1 T3S-R4E & SE 1/4 SW 1/4 Sec 36 T2S-R4E, B.M. Elmore County to be used from March 15 to November 15 for irrigation of 169.39 acres within Government Lots 3, 4 & 5 — **SENW** Sec 6 T3S-R5E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before May 3, 1976.

R. KEITH HIGGINSON
Director

Published in the Mountain Home News, Mtn. Home, ID on April 15, 1976 and April 22, 1976.

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Lloyd S. Waters do solemnly swear that I am the foreman, or publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in said newspaper for

2 consecutive weeks, the first publication having been made on the 15 day of April, 1976, and the last publication having been made on the 22 day of April, 1976; every Thursday issue of the paper

during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this 22 day of April, 1976

Wm. M. Waters
Notary Public

This
Right has been
Decreed in the
SRBA.

MICROFILMED
NOV 20 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 29, 2001

STEVE BOSCHMA
5592 KUNA RD
KUNA ID 83634

&

DESERT SEA FARMS LLC
905 E 13TH N ST
MOUNTAIN HOME ID 83647

RE: Water Rights ~~61~~-7263 / 61-7264A / 61-7264B (Transfer 68468)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 68530). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Also enclosed is a Notice of Change in Water Right Ownership form.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Camille S. Skaggs
for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

MAR 29 2001

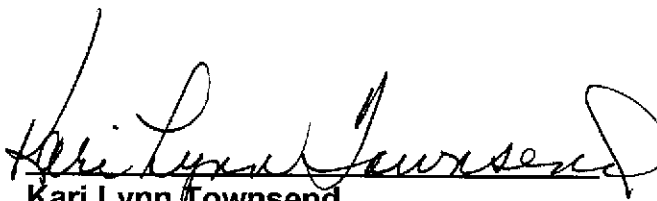
CERTIFICATE OF MAILING

I hereby certify that on the **29th** day of **March, 2001** I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHTS 61-7263 / 61-6264A / 61-7264B (Transfer 68468)

**STEVE BOSCHMA
5592 KUNA RD
KUNA ID 83634**

**DESERT SEA FARMS LLC
905 E 13TH N ST
MOUNTAIN HOME ID 83647**

A handwritten signature in cursive script, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

MAR 29 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED

MAR 29 2001

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED

MAR 23 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX

To: Norma Stewart From: Pam Skaggs IDWR
Fax: 334-2148 Pages: 1 + 8
Phone: _____ Date: 3-29-01
Re: Transfer 68468 Approval CC: _____

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Per your request.

COMMENTS:

MICROFILMED

MAR 29 2001

TRANSACTION REPORT

P. 01

MAR-29-01 THU 07:37 AM

DATE START RECEIVER

TX TIME PAGES TYPE

NOTE

M#

MAR-29 07:34 AM 93342148

2' 46" 9 SEND

OK

MICROFILMED

MAR 29 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX

To: Steve Boschma From: Pam Skaggs IDWR
Fax: 467-1373 Pages: 1+8
Phone: _____ Date: 03-24-01
Re: Transfer 68468 Approval CC: Norma Stewart

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Per Norma Stewart's request.

COMMENTS:

MICROFILMED

MAR 29 2001

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*                                     P. 01 *
*                                     *
*          TRANSACTION REPORT          *
*                                     *
*          MAR-29-01 THU 07:44 AM      *
*                                     *
*  DATE  START  RECEIVER  TX TIME PAGES TYPE  NOTE  M#  *
*  -----
*  MAR-29 07:39 AM 94671373      5'19"   9  SEND      OK      *
*                                     *
*****

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MICROFILMED
 MAR 29 2001

TRANSFER REVIEW SHEET

(02-01)

Transfer # 5784/68468Date Reviewed 2-20-01 28SPLIT POD ☒ ADD POD ☒ POU ☒ PERIOD ☒ or NATURE ☒ of USERESULT IN OWNERSHIP CHANGE? ☒ No ☒ Yes Desert Sea Farms to Steve BoschmaPurchase + Sale Agreement w/ contingencies.
Ownership hasn't changed hands yet.

Applicant

ALL OF RIGHT(S)

<u>61-7263</u>	<u>WR Decree</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<u>61-7264A</u>	<u>WR Decree</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<u>61-7264B</u>	<u>AT Recommendation</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

PART OF RIGHTS(S)

<u>-</u>	to	<u>-</u>	&	<u>-</u>	<u>-</u>	to	<u>-</u>	&	<u>-</u>
<u>-</u>	to	<u>-</u>	&	<u>-</u>	<u>-</u>	to	<u>-</u>	&	<u>-</u>
<u>-</u>	to	<u>-</u>	&	<u>-</u>	<u>-</u>	to	<u>-</u>	&	<u>-</u>
<u>-</u>	to	<u>-</u>	&	<u>-</u>	<u>-</u>	to	<u>-</u>	&	<u>-</u>
<u>-</u>	to	<u>-</u>	&	<u>-</u>	<u>-</u>	to	<u>-</u>	&	<u>-</u>
<u>-</u>	to	<u>-</u>	&	<u>-</u>	<u>-</u>	to	<u>-</u>	&	<u>-</u>
<u>-</u>	to	<u>-</u>	&	<u>-</u>	<u>-</u>	to	<u>-</u>	&	<u>-</u>
<u>-</u>	to	<u>-</u>	&	<u>-</u>	<u>-</u>	to	<u>-</u>	&	<u>-</u>

Standard Season 3-15 to 11-15 Standard Volume 4.0/3.0(1) ☒ Priority (2) Use (3) Season W61 (4) Rate (5) Volume(6) ☒ Source (7) P/D (8) P/U (9) Proof/Owner (10) ☒ Map(11) ☒ Pertinent Conditions (12) ☒ Expansion (13) Area of Concern(14) NA Water District/Watermaster Comment Sent Received (2) 91 Acres IRB (1.27 cfs/218 afa) under 61-7264A to Stock & Comm. for a dairy.
Limited to C.U. Vol 218 < 223 standard - OK

(3) Allow yr. round use for dairy. W61 for 61-7263

(4) & (5) Allow full rate & vol. for each Stock & Comm use. - Non additive.

(7) Change & Add P/Ds - New dairy well proposed

(8) Change P/U - add new uses.

(9) Purchase Sale Agreement covers entire P/U under all rts. Desert Sea Farms & Essen to Boschma
Watermaster's Deed - Desert Sea Farms covers all.

(3) Cinder Cone Butte C.GWA - McHome G.WMA

Transfer Remarks & Conditions Commercial use for a dairy located in W 1/2 NE, Sec 31, 25, SE.0416, W34/T17, D1Q, 106, R64, P/U ^{W27} ca. rt., T07, T08
7263) Combined R/Limit & T19 7264A) T19 Dairy Conditions 7264B) W63 W27
W35 W61 R64 W27 106, R65, W27, WDB R65

Database/Processing Notes

Application proposes combining 61-7264A & B into C. Since Part A is Decreed &
Part B is not, rts. left separate.61-7263Database Updated 3-30-01 28

T5145
same P/Ds
↑²
1 of 2 P/Ds
for 61-7264

	(P/D overlapping Rt)	61-7247B	1.20 cts	60 acres	240.0 afa	4.0	1-10-1976
T5784 68468	{	*61-7263	2.40 "	165 "	(660.0 ")	4.0	4-1-1976
		*61-7264A	10.74 7.48	537 "	2416.5 "	4.5	6-10-1976
		61-7264B	1.40 0.28	20 "	90.0 "	4.5	6-10-1976

* SRBA Decree
 Limited with 61-7247B to 11.36 cts 722 acres 3166.5 afa
 782 total acres 3406.5 afa

11.36 cts / 782 = .014526 cts/acre

By Priority 11.36 - (1.20 + 2.40) = 7.76 cts for 61-7264A+B
 7.76 cts / (537 + 20) = .01393 cts/acre

91 Acres from 61-7264A for dairy uses.
 7.48 / 537 x 91 = 1.27 cts + 3.0 x 91 = 273 at > 218 in app. = crop history eval.

Before 91 x 4.5 = 409.5 - 218 authorized for dairy = 191.5 at reduction in vol.

Allowable after Transfer

61-7263	2.40 cts	165.0 acres	660 afa	- 4.0 at/acre
61-7264A	9.47 "	446.0 "	2007 afa	} 4.5 at/acre
	1.27 " Dairy	(91.0 out)	218 afa	
61-7264B	.40 "	20.0 acres	90 afa	
		13.54	631 acres	2751 afa
Combined Rt Limit		<u>11.36</u>	+ Dairy	218 "
			<u>2975 afa</u>	+ 191.5 vol. red. = 3166.5 afa Original Vol. Total

Attachment C of App. identifies 4.0 at/acre instead of licensed 4.5 at/acre. .5 x 91 = 45.5 at difference.



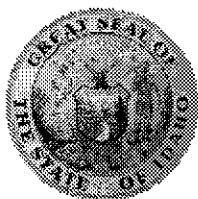
Survivors Designated	By Whom Survived	Date of Contract	Amount of Survivors M. Ch. ^s	Amount of Survivors Lk. ^s
B. and S. Township lines	Samuel C. Tibbodes	March 26, 1895	12	07 12
Subdivisions	William B. Tibbodes	.	60	28 46
Conveyances			7	16 70

Washington No 3 South

T3S
R5E

Transfer
5784/68468

[illegible]

**Idaho Secretary of State
Business Entity Search**

DESERT SEA FARMS, L.L.C.

905 EAST 13TH NORTH
MOUNTAIN HOME, ID 83647

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING, ANREPT SENT 01 Mar 2001

State of Origin: IDAHO

Date of 25 May 1994

Origination/Authorization:

Current Registered Agent: JOSEPHINE ANCHUSTEGUI
905 EAST 13TH NORTH
MOUNTAIN HOME, ID 83647

Filing Number: W-337

Number of Authorized Stock N/A
Shares:

Date of Last Annual Report: 13 Mar 2001

Related Documents: 25 May 1994 - ARTICLES OF ORGANIZATION (DESERT
SEA FARMS, L.L.C.)
23 Sep 1994 - 1994 ANNUAL REPORT
25 Jul 1995 - 1995 ANNUAL REPORT
06 Sep 1996 - 1996 ANNUAL REPORT
31 Jul 1997 - 1997 ANNUAL REPORT
20 Jul 1998 - 1998 ANNUAL REPORT
16 Jul 1999 - 1999 ANNUAL REPORT
13 Mar 2001 - 2001 ANNUAL REPORT

Get a certificate of existence for DESERT SEA FARMS, L.L.C.

New Search

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No. W 337		Due no later than May 31, 2001	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		Annual Report Form 1. Idaho Address - Check in the box if applicable DESERT STATE PARKS, LLC JOSEPHINE ANCHUSTEGUI 805 EAST 13TH NORTH MOUNTAIN HOME, ID 83647	
NO FILING FEE IF RECEIVED BY DUE DATE		2. Registered Agent and Office NO. PK. JOSEPHINE ANCHUSTEGUI 805 EAST 13TH NORTH MOUNTAIN HOME, ID 83647	
4. Limited Liability Companies: Enter Names and Addresses of Members.		3. New Registered Agent Signature	
Office held	Name	Street or P.O. Address	City State Zip
	Larry Esson	905 E. 13th North	Mountain Home Idaho 83647
	Josephine Anchustegui	905 E. 13th North	Mountain Home Idaho 83647
	Jerry Stewart	2717 Danridge	Boise Idaho 83705
	Norma Stewart	3919 N. Mint Ave	Boise Idaho 83703
	Beverl Fransen	2403 Julie Lane	Payette Idaho 83661
5. Organized Under the Laws of: IDAHO W 337		6. Signature: <i>Josephine Anchustegui</i> Date: 3-8-01 Name (Typed): JOSEPHINE ANCHUSTEGUI Title: XXXX	
Issued 03/01/2001		Do Not Tape or Staple	

2658

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Idaho Dept. of Water Resources
Place of Use Comparison Report

Transfer 5784/68468 - Boschma																					
Rights 61-7263/7264A & B																					
Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	61 7195A	CONNECTICUT GENERAL LIFE INSURANCE CO.	GROUND WATER	02S05E31					37	37	36	36									146
Rec	61 7195A	HERBERT R MONTIERTH, EDWARD RAY MONTIE	GROUND WATER	02S05E31					37	37	36	36									146
Right	61 7195A	CONNECTICUT GENERAL LIFE INSURANCE CO.	GROUND WATER	02S05E31					37	37	36	36									146
Claim	61 7210	CONNECTICUT GENERAL LIFE INSURANCE CO.	GROUND WATER	02S05E31					37	37	36	36									146
Rec	61 7210	EDWARD RAY MONTIERTH, GOLDA DARLENE MC	GROUND WATER	02S05E31					37	37	36	36									146
Right	61 7210	CONNECTICUT GENERAL LIFE INSURANCE CO.	GROUND WATER	02S05E31					37	37	36	36									146
Claim	61 7264A	DESERT SEA FARMS LLC,	GROUND WATER	02S05E31	39	39	40	40					40	40	39	39	40	40	41	42	479
Rec	61 7264A	DESERT SEA FARMS LLC,	GROUND WATER	02S05E31	39	39	40	40					40	40	39	39	40	40	41	42	479
Right	61 7264A	DESERT SEA FARMS LLC,	GROUND WATER	02S05E31	39	39	40	40					40	40	39	39	40	40	41	42	479
		91 Acres Out for Dairi					40								6			6			97 OUT
Claim	61 7264A	DESERT SEA FARMS LLC,	GROUND WATER	02S05E32					29	29											58
Rec	61 7264A	DESERT SEA FARMS LLC,	GROUND WATER	02S05E32					29	29											58
Right	61 7264A	DESERT SEA FARMS LLC,	GROUND WATER	02S05E32					29	29											58
Claim	61 7264B	DESERT SEA FARMS LLC,	GROUND WATER	02S05E32					10	10											20
Rec	61 7264B	DESERT SEA FARMS LLC,	GROUND WATER	02S05E32					10	10											20
Claim	61 7240	CARL F REYNOLDS & SONS,	GROUND WATER	03S05E6									38	44	44	37					163
Rec	61 7240	CARL F REYNOLDS AND SONS,	GROUND WATER	03S05E6									38	44	44	37					163
Right	61 7240	CONNECTICUT GENERAL LIFE INSURANCE CO,	GROUND WATER	03S05E6									38	44	44	37					163
Claim	61 7263	DESERT SEA FARMS LLC,	GROUND WATER	03S05E6					39	43	45	38									165
Rec	61 7263	DESERT SEA FARMS LLC,	GROUND WATER	03S05E6					39	44	43	39									165
Right	61 7263	DESERT SEA FARMS LLC,	GROUND WATER	03S05E6					39	44	43	39									165
Claim	61 7265	CONNECTICUT GENERAL LIFE INSURANCE CO,	GROUND WATER	03S05E6	37	37	38											37			149
Rec	61 7265	RODNEY K MONTIERTH, SUSAN MONTIERTH, GC	GROUND WATER	03S05E6	37	37	38											37			149
Right	61 7265	CONNECTICUT GENERAL LIFE INSURANCE CO,	GROUND WATER	03S05E6	37	37	38											37			149

SRBA SUBCASE SUMMARY REPORT 61-07264B

[Return to SRBA Home Page](#)

SRBA
02-20-2001

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 61-07264B FILE#: 00166
CLAIMANT: DESERT SEA FARMS LLC
STATUS: ADMIN PROCEED PENDNG
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

DESERT SEA FARMS LLC C PRO SE

**** ROA ENTRIES ****

07-21-1999	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING	07-21-1999
07-21-1999	NCAP - AMENDED DIRECTOR'S REPORT FILED SUB'T OF PARTY FROM HICKEY TO DESERT SEA LLC	
11-20-2000	NOTICE OF ADMINISTRATIVE PROCEEDING	AZ 09-27-2001

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SRBA

SUBCASE SUMMARY REPORT 61-07263

[Return to SRBA Home Page](#)

SRBA
02-20-2001

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 61-07263 FILE#: 00000
CLAIMANT: DESERT SEA FARMS LLC
STATUS: PD ISSUED
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

DESERT SEA FARMS LLC C PRO SE

**** ROA ENTRIES ****

10-26-2000 PARTIAL DECREE FILED

10-26-2000

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MAR 29 2001

SRBA SUBCASE SUMMARY REPORT 61-07264A

[Return to SRBA Home Page](#)

SRBA
02-20-2001

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 61-07264A FILE#: 00000
CLAIMANT: DESERT SEA FARMS LLC
STATUS: PD ISSUED
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

DESERT SEA FARMS LLC C PRO SE

**** ROA ENTRIES ****

10-26-2000 PARTIAL DECREE FILED

10-26-2000

[Return to SRBA Home Page](#)

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MAY 29 2001

SRBA SUBCASE SUMMARY REPORT 61-07264B

[Return to SRBA Home Page](#)

SRBA
02-20-2001

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 61-07264B FILE#: 00166
CLAIMANT: DESERT SEA FARMS LLC
STATUS: ADMIN PROCEED PENDING
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

DESERT SEA FARMS LLC C PRO SE

**** ROA ENTRIES ****

07-21-1999	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING	07-21-1999
07-21-1999	NCAP - AMENDED DIRECTOR'S REPORT FILED	
	SUB'T OF PARTY FROM HICKEY TO DESERT SEA LLC	
11-20-2000	NOTICE OF ADMINISTRATIVE PROCEEDING	AZ 09-27-2001

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RECEIVED

SEP 21 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

APPLICANT

Borchma

TRANSFER NO.

T 68468

5784

INITIAL ALLOCATION REVIEW BY

ly

DATE

6/26/00

1. Right number(s) 61-07264A + B, 61-07263
2. Type of right
☒ Decree ☐ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim
3. Purpose of transfer
☒ Change P/D ☒ Add P/D ☐ Change P/U
☒ Change N/U ☒ Change Period ☐ Split Right
☐ Other: recombine RT, correct P/D
4. Check Existing Right:
☒ Source ☒ Priority ☐ Amount ☐ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☐ Overlapping rights on original place of use
5. Check Proposed Right for amount of land &/or water transferred:
 - a. ☒ Analysis memo (always - unless justify why not needed)
 - b. ☒ All of right
 - c. N/A Part of right (**NOTE!** Part B should be filled in only if part of right is owned by the applicant)
 - d. ☒ Description of point(s) of diversion
 - e. ☒ Description of place of use
 - f. ☒ Map showing P/D & P/U after transfer
 - g. ☒ Correct notarized signature and \$100 fee
 - h. ☒ Proof of ownership of right &/or land from which water is transferred
 - i. ☒ Expansion in use of right: check rate of flow, diversion volume and consumptive use volume. Discuss in memo.
 - j. N/A Surface water source: IDFG letter; notify Water Planning Bureau if protected river or minimum flow reach.

T 68468

SUPPLEMENTAL STAFF ANALYSIS SHEET

TRANSFER NO. 5784 WORDPERFECT FILENAME BOSCHMA AD

COPY FOR WATER RIGHT AND ADJUDICATION FILES

YES LEGAL NOTICE

YES TRANSFER ANALYSIS SHEET (FORM 222a)

YES TRANSFER APPLICATION - ASSUME ENTIRE APPLICATION WITH ATTACHMENTS
(ALWAYS COPY OWNERSHIP INFO) TO BE COPIED UNLESS NOTED BELOW:

I.D. BY LETTER/NUMBER WHICH ATTACHMENTS ARE NOT TO BE COPIED:

YES REVIEWER'S ANALYSIS MEMO DATED 7/10/00

 OTHER ITEMS - I.D. OTHER INFORMATION TO BE COPIED:

AVOID COPYING - excess computer reports, excess attachments unless
show ownership & other clarifying info, easements & other agreements unless
are essential to understanding the application, oversized documents.

**COPIES TO BE MADE AFTER MANAGER'S REVIEW PRIOR TO
FORWARDING FILE TO S.O.**

DISCARD THIS FORM BEFORE FORWARDING FILE

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT/
TRANSFER NO. 5784

Notice is given that STEVE BOSCHMA of 5592 Kuna Rd, Kuna ID 83634, has applied to the Department of Water Resources to correct an existing point of diversion, change the nature, period and place of use and add a point of diversion pursuant to I.C. § 42-222 for the following ground water rights in Elmore County:

Decree 61-07263, priority 4/1/1976, 2.4 cfs, diverted in Lt 1 SESESW S31 T2S R5E and Lt 4 SWNNW S6 T3S R5E for irrigation of 165 acres in the NW S6.

Decree 61-07264A, priority 6/10/1976, 10.74 cfs diverted in Lt 3 SESESW S31 for irrigation of 537 acres in the NE, S 1/2 S31 and W 1/2 NW S32 T2S R5E.

Decree 61-07264B, priority 6/10/1976, .4 cfs diverted in Lt 3 SESESW S31 for irrigation of 20 acres in the W 1/2 NW S32 T2S R5E.

Total amount is 722 acres irrigation and 11.34 cfs system capacity from 2 wells.

PROPOSED CHANGE

Retire 91 acres from irrigation and use the water from those acres for Steve Boschma's Dairy to be built in the W 1/2 NE S31 T2S R5E, located five miles North and 10 miles West of Mountain Home. A proposed well in the NWNE S31 will supply 3060 milking cows and 540 replacement animals for the dairy. The existing irrigation wells will be used on the remaining 631 acres and as back-up for the dairy. The remaining acres will also be used for land application of dairy waste. New uses will be described as a total of 1.27 cfs commercial and stockwater to be used year around.

Lt 1 will be corrected to Lt 3 for the irrigation well listed in S31 on Decree 61-07263.

Any protest against the approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 on or before August 7, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher,

Director

First Publication: July 19, 2000.

Last Publication: July 26, 2000.

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Coleen W. Swenson, do solemnly swear that I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publi-

cation having been made on 19th day of

July 19, 2000, and the last publi-

cation having been made on the 26th day of

July 2000; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

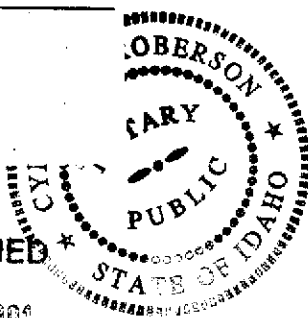
Coleen W. Swenson

Subscribed and sworn to me this 26th day of

July 2000

Cynthia Roberson
Notary Public

Residing in Mountain Home, Elmore County, Idaho. My commission expires 09-09-2002.



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MAR 29 2001

MEMORANDUM

DATE: 7/10/00 4

FROM: Lori Graves

TO: Boschma Transfer No. 5784 (61-07263, 61-07264)

RE: Proposed Dairy

BRIEF

Change portion of farm operation to commercial/stockwater use, add a new well for a dairy and reflect a combined irrigation system for remaining acres. The dairy will consist of 3060 milking cows and 540 dry cows for a total of 3600 cows and will need 218 afa to operate. Based on a crop history evaluation using 1998 and '99 crops and the Allen Brockway report, 91 acres must be retired to satisfy the dairy's needs.

OWNERSHIP

Applicant submitted a signed purchase and sale agreement between himself and Larry Esson, representative/partner, Desert Sea Farms, LLC, and warranty deed for the property signed by all the partners of Desert Sea Farms, LLC.

OVERLAPS

Two wells serve 782 acres licensed on the above rights. The rights do not overlap in P/U, but do share P/D's. The well in S31 is common to all three rights and the well in S6 is common to 61-07263 and 61-07247A & B. The capacity for S31 well is 11.36 cfs. The capacity for S6 well has not been measured. S6 well was added to rights 61-07263 and 61-07247B in 1998, per transfer no. 5145, in place of a well located in S1. The irrigation mainline for the S1 well was separate from the irrigation mainline used for the S31 well, which is why license 61-07264 was not included in transfer 5145. Now, since the S6 well was added, all three rights share a common irrigation system. No other ground water rights are used and surface water is not available to the property.

SRBA

The claims were filed and partially decreed as licensed, with the exception of 61-07264, which was split:

A61-07264A to Desert Sun Farms, 537 acres

A61-07264B to Carl Hickey, 20 acres

The combination of both claims matches the original license.

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A61-07264B was then changed to Desert Sun Farms. Since both splits were patially decreed in the name of Desert Sun Farms, and all their combined lands are part of the sales agreement for the dairy, the applicant seeks to recombine the splits with this transfer. The recombined right would then be 61-07264C. For simplicity, the consultant based the transfer on the 61-07264C (as if recombined as originally licensed).

Right no. 61-07264A & B were licensed and partially decreed at 4.5 afa/acre rather than the department standard of 4.0 afa. Partial decree 61-07263 was limited to 900 afa when combined with 61-07247B, which equates to the department standard of 4.0 afa/acre. Applicant's consultant included a copy of partial decree 61-07247B for conditioning purposes only (the right's P/U is not part of the transfer but the P/Ds are).

RECOMMENDATIONS

Approve the transfer for the dairy, stockwater and irrigation amounts as listed for licenses 61-07263 and 61-07264C on page 1 of the transfer (see attachment C for consultants summary of flow, volume and allocation calculations).

List the following condition on licenses 61-07247B, 61-07263 and 61-07264C:

When combined for **irrigation**, total cfs and diversion volume are limited to 10.09 cfs and 3044 afa.

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**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 5784**

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Karl J. Dreher, Director

Published in the Mountain Home News on July 19 and 26, 2000.

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MAR 23 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

August 23, 2000

KARL J. DREHER
DIRECTOR

Darwin Vander Stelt
16931 Star Rd
Nampa, Idaho 83687

RE: Boschma Application for Transfer no. 5784

Dear Darwin:

When reviewing an application for transfer, IDWR must determine whether the proposed transfer: (1) will injure other water rights, (2) will result in an enlargement of the original water right sought to be transferred, (3) is in the local public interest, (4) is consistent with the conservation of water resources of the state of Idaho, and (5) will significantly affect the agricultural base of the local area.

The application for transfer proposes a change in use from irrigation to commercial and stockwater uses associated with a proposed 3600 animal dairy. The computations attached to the application show that the use of water authorized by the original water right will not be enlarged. The computations accompanying the application assume conservation measures employed in a modern dairy. The other factors that must be considered by IDWR are not addressed by the application.

This letter requests information relative to criteria IDWR must consider.

Injury to Other Water Users

Please locate on a USGS quad map the nearest well not owned by the applicant constructed in the same water bearing zone the proposed well will be constructed. Please evaluate the effect of the proposed diversion on the nearby well.

Local Public Interest

Water right applications related to the construction and operation of large dairies have sparked significant controversy in recent years.

Please report the status of any application required by local governments responsible for granting permission for the dairy.

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MAR 23 2001

Please report on the review/approval of your proposed dairy by the Idaho Department of Agriculture and/or the Idaho Division of Environmental Quality.

Effect on Local Agricultural Base

Please explain the positive and negative effects the proposed dairy will have on the existing agricultural economy and lifestyle of the local area.

Conclusion

Please submit the above requested information within thirty (30) days of the date of this letter. If the information is not timely submitted, IDWR will remove the application for transfer from its records.

If you have further questions, please contact me at this office.

Sincerely,



Lori Graves
Sr. Water Agent

Applicants consultant responded 9/12/00 per attachment F.

MICROFILMED

MAR 29 2001

AJ0749NP
No. 61-07247B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/31/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CARL D HICKEY PO BOX 243 MOUNTAIN HOME ID 83647	01/10/1976	IRRIGATION	04-01 10-31	1.200 CFS	
TOTAL DIVERSION:					1.200 CFS	

D DESERT SEA FARMS LLC
905 E 13TH N
MOUNTAIN HOME ID 83647
(208) 587-9271

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T02S R05E S31 Lot01(SESESW)
T03S R05E S06 Lot04(SWNWNW)

ELMORE County
ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE									
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
03S	04E	1	: 01-60	:					:					:					:	60.0	
																				TOTAL ACRES	60.0

POU County: ELMORE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
61-07263 A61-07247B A61-07263

Other Water Rights Listing Overlapping Place(s) of Use:
A61-07247B

Conditions of Approval:

- C15 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN BASIN 61:
- WATER RIGHT NO. SOURCE
- NONE NONE
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN THE SNAKE RIVER BASIN:
- WATER RIGHT NO. SOURCE
- NONE NONE
- ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
- CONJUNCTIVELY.

Remarks: QNT. THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER TRANSFER 5145 SHALL NOT EXCEED 3.6 CFS, NOR TOTAL

*Reviewers
Notes*

AJ0749NP
No. 61-07247B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/31/00
PAGE: 2

Remarks: COMBINED ANNUAL VOLUME OF 900 AF.

USE THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE
DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

EXP RIGHT NO. 61-07263 IS ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED AS T02S, R05E, S31, SESESW: 61-07264A AND
61-07264B.

THE RIGHT HOLDER SHALL MEASURE AND ANNUALLY REPORT DIVERSIONS
OF WATER AND/OR OTHER PERTINENT HYDROLOGIC AND SYSTEM INFORMATION
AS REQUIRED BY SECTION 42-701, IDAHO CODE.

Dates: Exam Made Date: 10/05/1998 Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

T2S R5E

Sec 31

SESESW = 643

not lost 1 ac

Entered on 61-07263

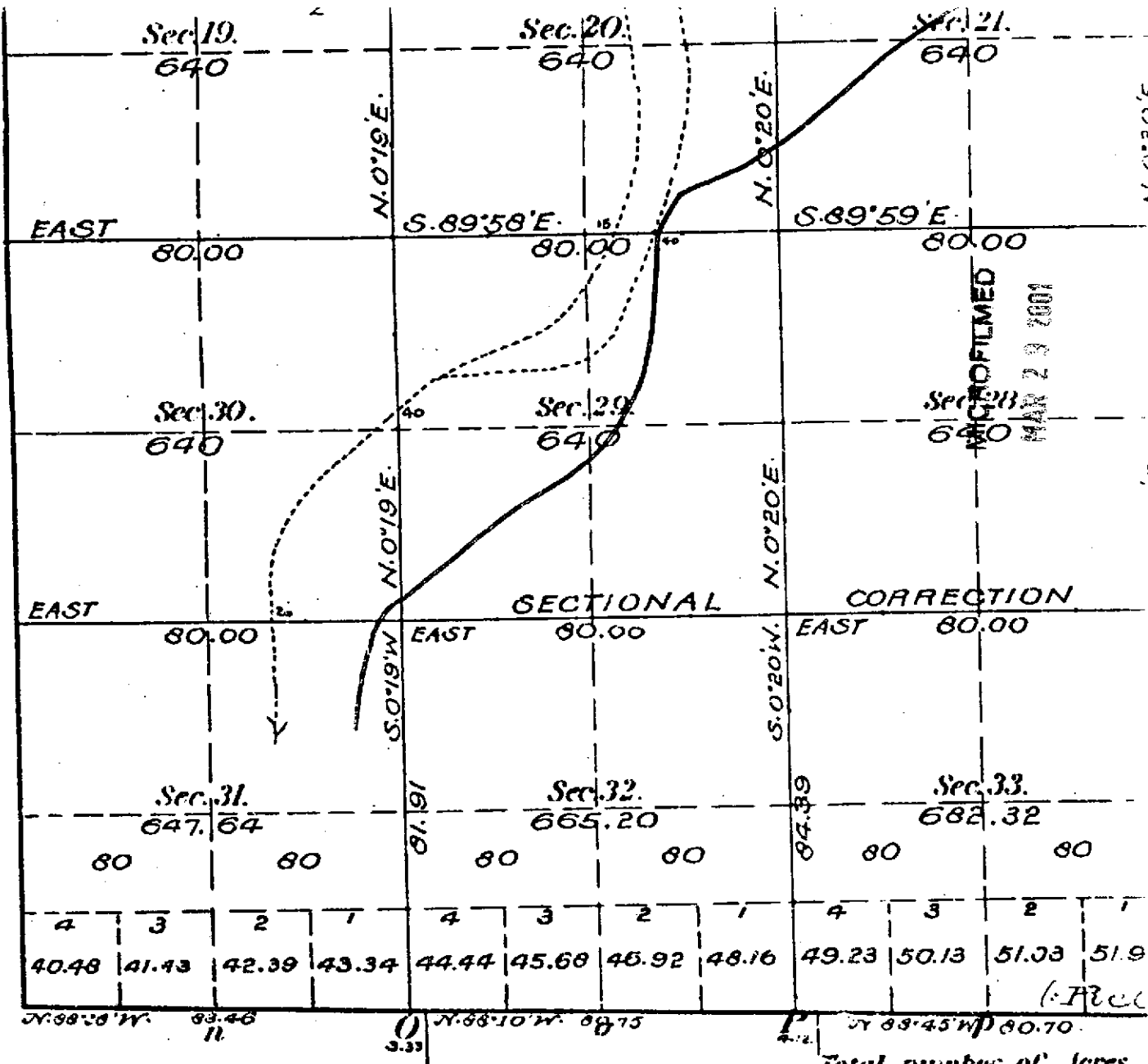
N.C.

l

M

m

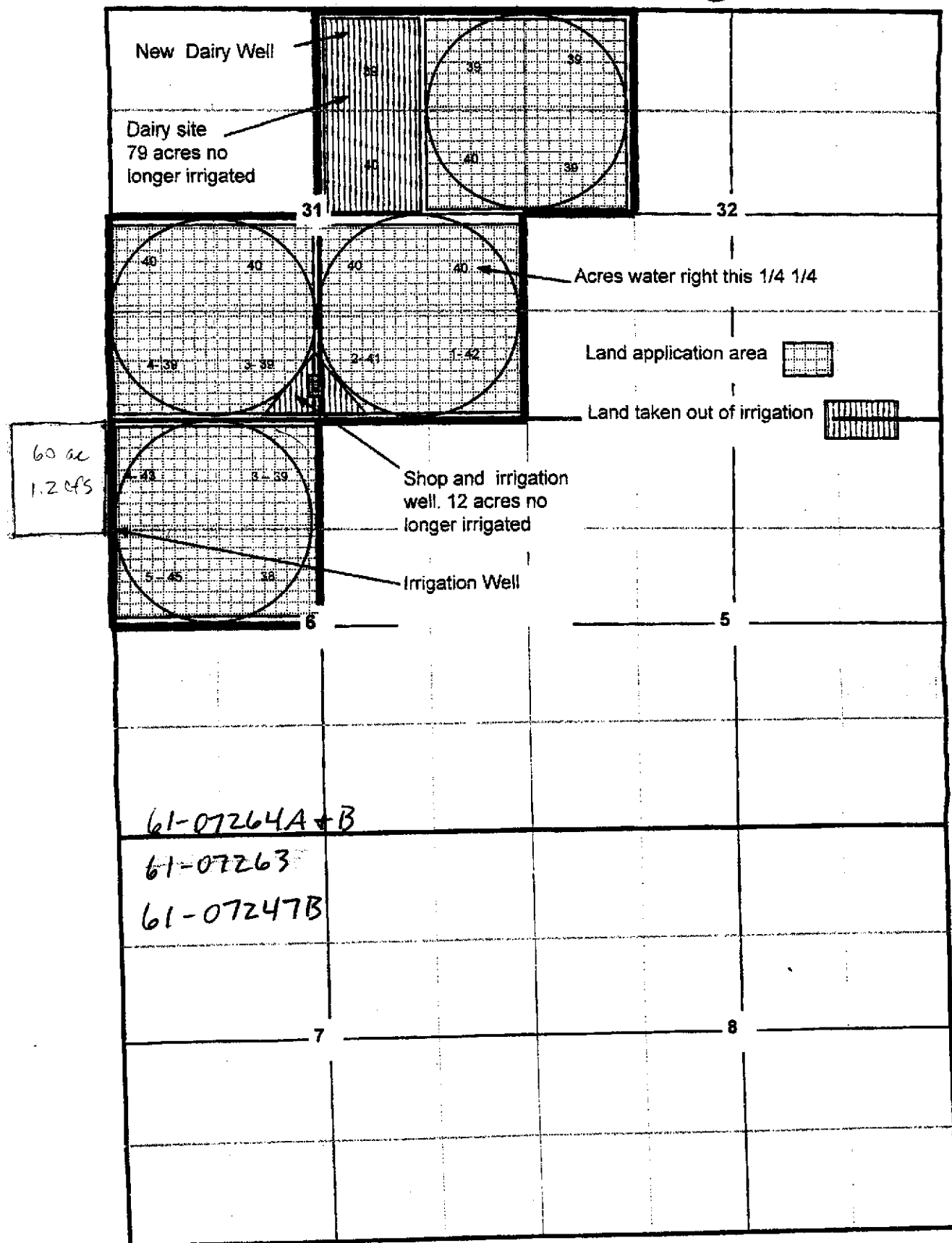
N



RECORDED
MAR 29 2001

Total number of Acres

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys M. Ch. Lk.	When Surveyed
E. and S. Township lines	Samuel C. Rhoades	March 26, 1895	12 07 12	Dec. 17-18, 1896
Subdivisions	William B. Rhoades	"	60 28 46	Dec 23, 1896 Jan. 3, 1897
Connections	"	"	1 16 10	"
			5 77 02	December 27, 1896



Steve Boschma Dairy	MICROFILMED	
Elmore County, ID	MAR 23 2001	Scale 3" = 1 mile
T2S, R5E, S. 31 & 32		Prepared by: Darwin Vander Stelt

SPLIT REVIEW (Rights: 61-07263, 61-07264 & 61-07247)

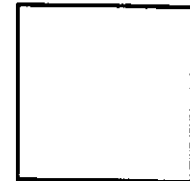
AGENT: Ron Howerton

Date: 23 Sep 98

61-07264

557 acres

11.14 CFS



*P/D SESESW, S31,
T02S, R05E LT 01*

61-07264A

537 acres

10.74 CFS

Desert Sea Farms

6/10/1976

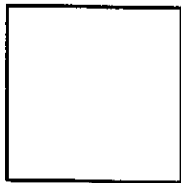
61-07264B

20 acres

0.4 CFS

Hickey

61-07247



*P/D SESW, S36,
T02S, R04E*

61-07247A

Split into C Hergert Farms

Permit

Split into D Hickey

Permit

*P/D SESESW, S31,
T02S, R05E LT 01
Transfer 5145
Changed P/D from S01 to
P/D NWNW, S06,
T03S, R05E LT 04 (see attached well log dated 6/1/98)*

61-07247B

License

60 acres

1.2 CFS

Desert Sea Farms

1/10/1976

61-07263

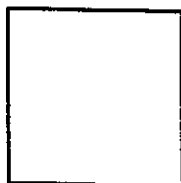
Transfer 5145

P/D SESESW, S31, T02S, R05E LT 01

P/D NWNW, S06, T03S, R05E LT 04

Desert Sea Farms

4/1/1976



*system limiter for both
wells in 11.36 cfs*

MICROFILMED

MAR 23 2001

SPLIT REVIEW (Rights: 61-07263, 61-07264 & 61-07247)

AGENT: Ron Howerton

Date: 23 Sep 98

P/D OVERLAP AND CONDITIONS FOR:

61-07247B & 61-07263

- * P/D overlap with 61-07263, 61-07247B (Both have same P/D's)
& 61-07264 (SESESW, S31, T02S, R05E LT 01 only)
- Combined remarks apply for CFS & Volume for
61-07247B, 61-07263, 61-07264A & B.

Hickey
61-07264A & 61-07264B

- P/D overlap with 61-07264A & 61-07264B (Both have same P/D)
& 61-07263, 61-07247B (SESESW, S31, T02S, R05E LT 01 only)
- No combined conditions apply for 61-07264A & 61-07264B. (Conditioned on 61-07247B & 61-07263)
- For the P/D overlap of 61-07263 or 61-07247B, that pipeline to those lands only flows one way. Their other P/D located in S01, prior to Transfer 5145 did not flow back up through that pipeline. (Per conversation with Steve Lester, field examiner) Also noted by memorandum dated 7/7/94 that it wasn't a common 1 system, per point of contact, Larry Esson.
- Transfer 5145 moved the P/D from S01, to its new location in S06, approved December 16, 1997. Since then, no-transfer has been filed to add this point of diversion to 61-07264A or B.
- Proof of the new well located in *NWNW, S06, T03S, R05E LT 04* is shown by well log permit 61-97-C-0055-000, well tag 00000272. Completed 1 June 98.

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MAR 29 2001

Agcom Inc.

Agricultural and Commercial Real Estate

16931 Star Rd.
Nampa, ID 83687
Phone (208) 465-9496
Fax (208) 465-9497
e-mail dvs@micron.net

March 31, 2000

To: Idaho Dept. of Water Resources
Western Region
Boise, ID

RECEIVED

APR 24 2000

WATER RESOURCES
WESTERN REGION

Applicant: Steve Boschma (Larry Essen, owner)

Affected Water rights: 61-07247B, 61-07263, 61-07264

Objective: Change nature of use, period of use, and add a point of diversion.

Applicant wishes to change 91 acres of ground water right from irrigation to a combination of stockwater and commercial use.

The land to be dried up is the W $\frac{1}{2}$ of NE $\frac{1}{4}$ of sect 31, T 2 S, R 5 E (79 acres) and 6 acres in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of sec 31, T 2 S, R 5 E and 6 acres in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of T 2 S, R 5 E for a total of 91 acres.

Applicant wishes to change the period of use from seasonal to year round.

Applicant wishes to add a point of diversion in the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of sec 31, T 2 S, R 5 E

Notes on preparation:

The area to be dried up is covered by only 1 (61-07264) of the 3 water rights affected by this transfer. Because the flow for 61-07264 is affected by notations on the other two water rights (61-07247B, 61-07263), copies were included, and they were included in the flow calculations.

If any other information is required, the applicant will respond in timely fashion.

Sincerely,



Darwin Vander Stelt
preparer

MICROFILMED
MAR 29 2001

MEMORANDUM

TO: FILE 61-07263

FROM: PAM SKAGGS 28

RE: TRANSFER # 5145

DATE: 12-09-97

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 61-07247B.

MICROFILMED

JAN 12 1998

RECEIVED

CONVERSATION MEMORANDUM

SEP 15 1997

Department of Water Resources

DATE

9/11/97

FILE

61-07247B

61-07263

61-07264

NAME OF PARTY

Larry Esser 587-9271

EMPLOYEE

JL

RE:

Desert Sea Farms LLC - Transfer Appl.

He is the contact person for the recent transfer Appl. to change 5.1 pld to 5.6 pld to drill new well.

Currently, 5.1 & 5.31 wells can serve lands in 61-07247B & 07263. For 61-07264, only the 5.31 well delivers water to that pld. Thus, -7264 will not be affected by changing 5.1 well to 5.6.

OK to advertise transfer with 1st 2 rights only - don't need to add 3rd right (-7264) to Appl.

Orig - S.O. Vault files

cc - Region files

MICROFILMED

JAN 12 1998

December 4, 1990

JEROLD L. WOOD
EST. OF EDNA BALLANTYNE
MARTHA ESSON
W. J. BALLANTYNE
HERBERT C. HETHERINGTON
919 N. 17TH ST.
BOISE, ID 83702

RE: WATER RIGHT NO. 61-07263

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED

DEC 11 1990

MEMORANDUM

TO: FILE

FROM: JIM JOHNSON

RE: ADJUSTMENT OF ACRES, RATE OF FLOW AND ANNUAL VOLUME ON LICENSE

DATE: July 18, 1990

=====

A license was issued on this right on August 14, 1989. On September 18, 1989 the Department received a letter from Mr. Wood stating that a mistake had been made by only listing 87 acres on the license.

I have reviewed this file and the two other related rights and agree that an error was made and the acres irrigated should be 165 instead of 87.

In addition to the above error another error was found. The system capacity on the license listed 10.25 cfs, it should be 11.36 cfs.

To calculate the rate of flow for this right, in a Memorandum dated June 27, 1989, Gary Spackman proposed to use a rate based upon an average rate per acre applied by the irrigation system. This method is used on the amended license except the system capacity of 11.36 cfs is used instead of 11.14 cfs and 782 total irrigated acres was used instead of 665 acres.

Rate = $11.36/782 = 2.40$ cfs

Volume = $165 \times 4.5 = 742.0$ afa

MICROFILMED

DEC 11 1990



United States
Department of
Agriculture

Farmers
Home
Administration

2180 American Legion Blvd.
Mountain Home, 83647
(208)587-9791

RECEIVED
JUL 23 1990

Department of Water Resources

SUBJECT: Assignment of Water Permits on Hergert Farms
Hergert, Bryce, Monte and R. Wayne

TO: Idaho Department of Water Resources
1301 N. Orchard, St.
Statehouse Mall,
Boise, Idaho 83720

July 19, 1990

Attention: Jim Johnson, Water Rights Supervisor

As per our phone conversation on 07-18-90, I am sending true copies of our original mortgages obtained by Farmers Home Administration (FmHA) on Bryce, Monte and R. Wayne Hergert. Please note that our Mortgages describe water permits by number. It is our understanding that since the Mortgages describe the permits by number they will serve as an Assignment of the Permit. For this reason FmHA is of the opinion that the water permits described are assigned to us.

Please contact this office if additional information is required or if our understanding is in error.

William A. York
WILLIAM A. YORK
County Supervisor

MICROFILMED

DEC 11 1990

REAL ESTATE MORTGAGE FOR IDAHO

THIS MORTGAGE is made and entered into by Bryce L. Hergert and Penny E. Hergert,
husband and wife
residing in Canyon County, Idaho, whose post office address is
Route 1, Box 1257A, Nampa, Idaho, 83651,
herein called "Borrower," and:

WHEREAS Borrower is indebted to the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, herein called the "Government," as evidenced by one or more promissory note(s) or assumption agreement(s), herein called "note," which has been executed by Borrower, is payable to the order of the Government, authorizes acceleration of the entire indebtedness at the option of the Government upon any default by Borrower, and is described as follows:

<u>Date of Instrument</u>	<u>Principal Amount</u>	<u>Annual Rate of Interest</u>	<u>Due Date of Final Installment</u>
May 18, 1979	\$194,000.00	8.50	May 18, 2019

And the note evidences a loan to Borrower, and the Government, at any time, may assign the note and insure the payment thereof pursuant to the Consolidated Farm and Rural Development Act, or Title V of the Housing Act of 1949;

And it is the purpose and intent of this instrument that, among other things, at all times when the note is held by the Government, or in the event the Government should assign this instrument without insurance of the note, this instrument shall secure payment of the note; but when the note is held by an insured holder, this instrument shall not secure payment of the note or attach to the debt evidenced thereby, but as to the note and such debt shall constitute an indemnity mortgage to secure the Government against loss under its insurance contract by reason of any default by Borrower:

NOW, THEREFORE, in consideration of the loan(s) and (a) at all times when the note is held by the Government, or in the event the Government should assign this instrument without insurance of the payment of the note, to secure prompt payment of the note and any renewals and extensions thereof and any agreements contained therein, including any provision for the payment of an insurance or other charge, (b) at all times when the note is held by an insured holder, to secure performance of Borrower's agreement herein to indemnify and save harmless the Government against loss under its insurance contract by reason of any default by Borrower, and (c) in any event and at all times to secure the prompt payment of all advances and expenditures made by the Government, with interest, as hereinafter described, and the performance of every covenant and agreement of Borrower contained herein or in any supplementary agreement, Borrower does hereby grant, bargain, sell, convey, mortgage, and assign unto the Government the following property situated in the State of Idaho,

County(ies) of Elmore :

SEE ATTACHED SHEET FOR LEGAL

SEE ATTACHED SHEET FOR SUBJECT TO...

MICROFILMED

DEC 11 1990

0661 11030
RECORDED

188176

ELMORE COUNTY, IDAHO, ss

Request of **GUARANTY TITLE, INC.**

Time 3:42 P. M.

Date May 21, 1979

Book of

Page

RAMONA YRAZABAL

By Ruth Peterman
Recorder

Fee 6.00
Deputy

together with all rights, interests, easements, hereditaments and appurtenances thereunto belonging, the rents, issues, and profits thereof and revenues and income therefrom, all improvements and personal property now or later attached thereto or reasonably necessary to the use thereof, including, but not limited to, ranges, refrigerators, clothes washers, clothes dryers, or carpeting purchased or financed in whole or in part with loan funds, all water, water rights, and water stock pertaining thereto, and all payments at any time owing to Borrower by virtue of any sale, lease, transfer, conveyance, or condemnation of any part thereof or interest therein-all of which are herein called "the property";

TO HAVE AND TO HOLD the property unto the Government and its assigns forever in fee simple.

BORROWER for himself, his heirs, executors, administrators, successors and assigns WARRANTS THE TITLE to the property to the Government against all lawful claims and demands whatsoever except any liens, encumbrances, easements, reservations, or conveyances specified hereinabove, and COVENANTS AND AGREES as follows:

(1) To pay promptly when due any indebtedness to the Government hereby secured and to indemnify and save harmless the Government against any loss under its insurance of payment of the note by reason of any default by Borrower. At all times when the note is held by an insured holder, Borrower shall continue to make payments on the note to the Government, as collection agent for the holder.

(2) To pay to the Government such fees and other charges as may now or hereafter be required by regulations of the Farmers Home Administration.

(3) If required by the Government, to make additional monthly payments of 1/12 of the estimated annual taxes, assessments, insurance premiums and other charges upon the mortgaged premises.

(4) Whether or not the note is insured by the Government, the Government may at any time pay any other amounts required herein to be paid by Borrower and not paid by him when due, as well as any costs and expenses for the preservation, protection, or enforcement of this lien, as advances for the account of Borrower. All such advances shall bear interest at the rate borne by the note which has the highest interest rate.

(5) All advances by the Government as described by this instrument, with interest, shall be immediately due and payable by Borrower to the Government without demand at the place designated in the latest note and shall be secured hereby. No such advance by the Government shall relieve Borrower from breach of his covenant to pay. Any payment made by Borrower may be applied on the note or any indebtedness to the Government secured hereby, in any order the Government determines.

(6) To use the loan evidenced by the note solely for purposes authorized by the Government.

(7) To pay when due all taxes, liens, judgments, encumbrances, and assessments lawfully attaching to or assessed against the property, including all charges and assessments in connection with water, water rights, and water stock pertaining to or reasonably necessary to the use of the real property described above, and promptly deliver to the Government without demand receipts evidencing such payments.

(8) To keep the property insured as required by and under insurance policies approved by the Government and at its request, to deliver such policies to the Government.

(9) To maintain improvements in good repair and make repairs required by the Government; operate the property in a good and husbandmanlike manner; comply with such farm conservation practices and farm and home management plans as the Government from time to time may prescribe; and not to abandon the property, or cause or permit waste, lessening or impairment of the security covered hereby, or, without the written consent of the Government, cut, remove, or lease any timber, gravel, oil, gas, coal, or other minerals except as may be necessary for ordinary domestic purposes.

(10) To comply with all laws, ordinances, and regulations affecting the property.

(11) To pay or reimburse the Government for expenses reasonably necessary or incidental to the protection of the lien and priority hereof and to the enforcement of or the compliance with the provisions hereof and of the note and any supplementary agreement (whether before or after default), including but not limited to costs of evidence of title to and survey of the property, costs of recording this and other instruments, attorneys' fees, trustees' fees, court costs, and expenses of advertising, selling, and conveying the property.

(12) Neither the property nor any portion thereof or interest therein shall be leased, assigned, sold, transferred, or encumbered, voluntarily or otherwise, without the written consent of the Government. The Government shall have the sole and exclusive rights as mortgagee hereunder, including but not limited to the power to grant consents, partial releases, subordinations, and satisfaction, and no insured holder shall have any right, title or interest in or to the lien or any benefits hereof.

(13) At all reasonable times the Government and its agents may inspect the property to ascertain whether the covenants and agreements contained herein or in any supplementary agreement are being performed.

(14) The Government may extend and defer the maturity of and renew and reamortize the debt evidenced by the note or any indebtedness to the Government secured hereby, release from liability to the Government any party so liable thereon, release portions of the property from and subordinate the lien hereof, and waive any other rights hereunder, without affecting the lien or priority hereof or the liability to the Government of Borrower or any other party for payment of the note or indebtedness secured hereby except as specified by the Government in writing.

(15) If at any time it shall appear to the Government that Borrower may be able to obtain a loan from a production credit association, a Federal land bank, or other responsible cooperative or private credit source, at reasonable rates and terms for loans for similar purposes and periods of time, Borrower will, upon the Government's request, apply for and accept such loan in sufficient amount to pay the note and any indebtedness secured hereby and to pay for any stock necessary to be purchased in a cooperative lending agency in connection with such loan.

(16) Default hereunder shall constitute default under any other real estate, or under any personal property or other security instrument held or insured by the Government and executed or assumed by Borrower, and default under any such other security instrument shall constitute default hereunder.

(17) SHOULD DEFAULT occur in the performance or discharge of any obligation in this instrument or secured by this instrument, or should any one of the parties named as Borrower die or be declared an incompetent, a bankrupt, or an insolvent, or make an assignment for the benefit of creditors, the Government, at its option, with or without notice, may: (a) declare the entire amount unpaid under the note and any indebtedness to the Government hereby secured immediately due and payable, (b) for the account of Borrower incur and pay reasonable expenses for repair or maintenance of and take possession of, operate or rent the property, (c) upon application by it and production of this mortgage, without other evidence and without notice of hearing of said application, have a receiver appointed for the property, with the usual powers of receivers in like cases, (d) foreclose this instrument as provided herein by law, (e) require Borrower to surrender to the Government any and all abstracts of title then owned by Borrower covering all or any part of the property, and (f) enforce any and all other rights and remedies provided herein or by present or future law.

(18) The proceeds of foreclosure sale shall be applied in the following order to the payment of: (a) costs and expenses incident to enforcing or complying with the provisions hereof, (b) any prior liens required by law or a competent court to be so paid, (c) the debt evidenced by the note and all indebtedness to the Government secured hereby, (d) inferior liens of record required by law or a competent court to be so paid, (e) at the Government's option, any other indebtedness of Borrower owing to or insured by the Government, and (f) any balance to Borrower. At foreclosure or other sale of all or any part of the property, the Government and its agents may bid and purchase as a second mortgage the Government's share of the purchase price by crediting such amount on any debts of Borrower owing to the Government, in the order prescribed above.

(19) Borrower agrees that the Government will not be bound by any present or future State laws, (a) providing for valuation, appraisal, homestead or exemption of the property, (b) prohibiting maintenance of an action for a deficiency judgment or limiting the amount thereof or the time within which such action may be brought, (c) prescribing any other statute of limitations, (d) allowing any right of redemption or possession following any foreclosure sale, or (e) limiting the conditions which the Government may by regulation impose, including the interest rate it may charge, as a condition of approving a transfer of the property to a new Borrower. Borrower expressly waives the benefit of any such State laws. Borrower hereby relinquishes, waives, and conveys all rights, inchoate or consummate, of descent, dower and curtesy.

(20) If any part of the loan for which this instrument is given shall be used to finance the purchase, construction or repair of property to be used as an owner-occupied dwelling (herein called "the dwelling") and if Borrower intends to sell or rent the dwelling and has obtained the Government's consent to do so (a) neither Borrower nor anyone authorized to act for him will, after receipt of a bona fide offer, refuse to negotiate for the sale or rental of the dwelling or will otherwise make unavailable or deny the dwelling to anyone because of race, color, religion, sex, or national origin, and (b) Borrower recognizes as illegal and hereby disclaims, and will not comply with or attempt to enforce any restrictive covenants on the dwelling relating to race, color, religion, sex, or national origin.

(21) This instrument shall be subject to the present regulations of the Farmers Home Administration, and to its future regulations not inconsistent with the express provisions hereof.

(22) Notices given hereunder shall be sent by certified mail, unless otherwise required by law, addressed, unless and until some other address is designated in a notice so given, in the case of the Government to Farmers Home Administration, United States Department of Agriculture, at Boise, Idaho 83702, and in the case of Borrower to him at the address shown in the Farmers Home Administration Finance Office records (which normally will be the same as the post office address shown above).

(23) WAIVER: THE BORROWER ACKNOWLEDGES AND AGREES THAT IF HE DEFAULTS A NONJUDICIAL FORECLOSURE OF THE PROPERTY MAY BE CONDUCTED WITHOUT A HEARING OF ANY KIND, THE BORROWER HEREBY WAIVES ANY RIGHTS HE MAY HAVE TO ANY SUCH HEARING. NEVERTHELESS THE REGULATIONS OF THE FARMERS HOME ADMINISTRATION IN EFFECT AT THE TIME SUCH FORECLOSURE IS STARTED MAY PROVIDE A MEETING AND THE GOVERNMENT WILL FOLLOW THESE REGULATIONS.

(24) At the option of the Government this mortgage may be foreclosed by action or advertisement as provided by statute, and Borrower hereby irrevocably vests in the Government the statutory power of sale and constitutes and appoints the Government his agent and attorney in fact to sell the property, after due notice, at public auction to the highest bidder, for cash or secured credit at the option of the Government, and to give the purchaser a warranty deed binding upon Borrower and all claiming under him.

(25) Borrower has assigned or waived or will immediately on request of the Government, assign or waive in favor of the Government all grazing privileges, permits, licenses, or leases appurtenant to or used in connection with said land, and Borrower further covenants and agrees to produce renewals thereof prior to their expiration and to pay all fees and charges and to perform all acts and do all things necessary to keep and preserve all said grazing rights and renewals thereof, and in the event of the failure of Borrower to do any of these things the Government may do so on behalf of Borrower, including advancing such sums as may be necessary for this purpose, and such funds advanced shall be secured by this instrument.

(26) If any provision of this instrument or application thereof to any person or circumstances is held invalid, such invalidity will not affect other provisions or applications of the instrument which can be given effect without the invalid provision or application, and to that end the provisions hereof are declared to be severable.

IN WITNESS WHEREOF, Borrower has hereunto set Borrower's hand(s) and seal(s) this 18th day of

May, 19 79.

Bryce L. Hergert
Bryce L. Hergert

Penny E. Hergert
Penny E. Hergert

ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF Elmore

ss:

On this 18th day of May, in the year of 1979, before me, the undersigned,

a Notary Public in and for said State, personally appeared Bryce L. Hergert and Penny E. Hergert,

husband and wife

known to me to be the person(s) whose name(s) they subscribed to the within instrument, and acknowledged

to me that they executed the same as their free act and deed for the uses, purposes and consideration therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the said date.

(NOTARIAL SEAL)

Walter L. Wetmore
Notary Public, residing at Mountain Home

My commission expires: lifetime

TRACT I:

TOWNSHIP 3 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 1: Lot 1

TRACT II:

TOWNSHIP 2 SOUTH, RANGE 5 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 32: SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$

TRACT III:

TOWNSHIP 3 SOUTH, RANGE 5 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 6: Lots 3, 4 and 5, and SE $\frac{1}{4}$ NW $\frac{1}{4}$

~~LIC. 61-07263~~ 1.46 cfs

AMENDED LIC.

2.40 cfs

PRO RATA OWNERSHIP IN JOINT WELL AGREEMENT INSTRUMENT #185859

DATED 1/26/79 INCLUDING THE PRO RATA OWNERSHIP IN WELL

PERMITS #61-7264, 4/12/76 for 11.35 c.f.s.

61-7263, 4/1/76 for 3.39 c.f.s.

61-7247, 12/22/75 for 6.67 c.f.s.

61-7202, 10/22/74 for 3.2 c.f.s.

B.H.
J.E.D.

RECORDED

DEC 11 1979

SUBJECT TO:

1. General taxes for the year 1979, which are a lien, due and payable on or before December 20 of said year.
2. Power Line Easement granted by Wilbur Wilson and Myrri Heller, to Idaho Power Company, a corporation, recorded December 22, 1976, as Instrument No. 171579, records of Elmore County, Idaho. (North 30 feet of Lot 1-TRACT I)
3. Power Line Easement dated March 16, 1977, granted by Robert E. Osborn and Betty F. Osborn, his wife, to Idaho Power Company, a corporation, recorded August 3, 1977, as Instrument No. 175536, records of Elmore County, Idaho. (West 5 feet of Lot 4 and West 5 feet of the North 300 feet of Section 6-TRACT III)
4. Power Line Easement dated March 23, 1977, granted by Robert E. Osborn and Betty F. Osborn, his wife, to Idaho Power Company, a corporation, recorded September 9, 1977 as Instrument No. 176197, records of Elmore County, Idaho. (West 5 feet of South 1030 feet of Lot 5 - TRACT III)
5. Joint Well Agreement dated January 24, 1979, executed by and between Monte E. Hergert and Valinda Hergert, husband and wife, parties of the first part; Wayne Hergert and Kelly Hergert, husband and wife, parties of the second part; Robert L. Alexander, party of the third part; Bryce Hergert and Panny Hergert, husband and wife, parties of the fourth part; Niel Hergert and Marie R. Hergert, husband and wife, parties of the fifth part; recorded January 26, 1979 as Instrument No. 185859, records of Elmore County, Idaho. (ALL TRACTS)
6. Road and Ditch rights of way, not of record, but appearing on the premises. (ALL TRACTS)

*B.L.H.**B. E. H.***MICROFILMED**

DEC 11 1990

61- 7263

Sept 15 1989

Mr Jim Johnson
 Water Rights Supervisor
 Department of Water Resources
 1301 N. Orchard St.
 Statehouse Mail
 Boise, Idaho 83720

RECEIVED
 SEP 18 1989

Department of Water Resources

Dear Sir:

We have received the Water Right License 61-07263 along with your letter dated August 15, 1989.

The original application, a copy of which is attached, is for 165 acres, diversion 3.30 CFS and volume 742.5 AFA. The application attached to your letter and license shows 87 acres, diversion 1.46 CFS and volume 391.5 AFA.

We feel there must have been a clerical or recording error as the acreage in this plot of ground is 169 acres and with a small amount of non-irrigatable land the 165 acres is the correct amount.

Please examine your records to see if an error has been made.

MICROFILMED

DEC 11 1990

Very truly yours,
 Jewel L. Wood
 919 N 67th
 Boise Idaho 83702

208-342-5426



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

August 15, 1989
DIRECTOR

JEROLD L. WOOD
EST. OF EDNA BALLANTYNE
MARTHA ESSON
W. J. BALLANTYNE
HERBERT C. HETHERINGTON
919 N. 17TH ST.
BOISE, ID 83702

RE: PERMIT NO. 61-07263

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

DEC 11 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 61-07263

Priority: April 1, 1976

Maximum Diversion Rate: 1.46 CFS
Maximum Diversion Volume: 391.5 AF

This is to certify, that JEROLD L. WOOD
EST. OF EDNA BALLANTYNE
MARTHA ESSON
W. J. BALLANTYNE
HERBERT C. HETHERINGTON

919 N. 17TH ST.
BOISE, ID 83702

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 1, 1976; and has submitted Proof of Beneficial Use on May 8, 1981. An examination indicates that the works have a diversion capacity of 10.250 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	1.46 CFS	391.5 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 3(SESW), Sec. 31, Township 02S, Range 05E
LOT 1(NENE), Sec. 1, Township 03S, Range 04E
ELMORE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03S	05E	6	LOT 3(NENW) 39 SENW 38	LOT 4(NWNW) 4	LOT 5(SWNW) 6	87
Total number of acres irrigated:						87

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall not divert more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

MICROFILMED

DEC 11 1990

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07263

RECEIVED
AUG - 8 1988

Date of Priority: April 1, 1976

Comes now EST. OF EDNA BALLANTYNE
W. J. BALLANTYNE
MARTHA ESSON
HERBERT C. HETHERINGTON
JEROLD L. WOOD

919 N. 17TH ST.
BOISE, ID 83702

Department of Water Resources
APPROVED

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 61-07263, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	03/15 to 11/15	1.46 CFS.	391.5 AFA

LOCATION OF POINT OF DIVERSION(S): LOT 3(SESW), Sec. 31, Township 02S, Range 05E
LOT 1(NENE), Sec. 1, Township 03S, Range 04E
ELMORE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03S	05E	6	LOT 3(NENW) 39 SENE 38	LOT 4(NWNW) 4	LOT 5(SWNW) 6	87
Total number of acres irrigated:						87

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Boise Idaho this 1 day of August, 1988.

MICROFILMED

DEC 11 1990

Jerold L. Wood
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07263

Date of Priority: April 1, 1976

Comes now EST. OF EDNA BALLANTYNE
W. J. BALLANTYNE
MARTHA ESSON
HERBERT C. HETHERINGTON
JEROLD L. WOOD

919 N. 17TH ST.
BOISE, ID 83702

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 61-07263, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	03/15 to 11/15	3.30 CFS	742.5 AFA

LOCATION OF POINT OF DIVERSION(S): LOT 3(SESW), Sec. 31, Township 02S, Range 05E
LOT 1(NENE), Sec. 1, Township 03S, Range 04E
ELMORE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03S	05E	6	LOT 3(NENW) 39 SENE 38	LOT 4 NWNW 43	LOT 5 SWNW 45	165
Total number of acres irrigated:						165

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Boise, Idaho is 1 day of August, 1988.

MICROFILMED

DEC 11 1990

Jerold L. Wood
(Signature)

August 15, 1989

JEROLD L. WOOD
EST. OF EDNA BALLANTYNE
MARTHA ESSON
W. J. BALLANTYNE
HERBERT C. HETHERINGTON
919 N. 17TH ST.
BOISE, ID 83702

RE: PERMIT NO. 61-07263

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

AUG 23 1989

MEMORANDUM

TO: File #61-7263, 61-7247, And 61-7264
FROM: Gary Spackman *Gary*
DATE: June 27, 1989

RE: Overlap Review; Intertie with Water Right #61-7247A.

While reviewing 61-7263 for licensing, it was discovered that water use under water right filings 61-7247A, 61-7247B, 61-7263, and 61-7264 might be connected into one system. Steve Lester of Western Region conducted a field examination of the system, and discovered that 61-7247A is served by a separate well and is not systematically tied with the other three water rights.

Licenses have been issued for water right number 61-7247B, and 61-7264. Only 61-7263 remains to be licensed.

The two previous licenses granted .02 cfs per acre. Only 87 additional acres are proposed to be irrigated by water right number 61-7263.

Much of the land has been enrolled in the Conservation Reserve Program (CRP). Right number 61-7264 estimated a flow rate in several ways, but we finally licensed for a capacity of 11.14 cfs. The capacity of the system may be equal to or less than 11.14 cfs.

I propose in the overlap that we use 11.14 cfs as the capacity of the system since it now cannot be measured. The total number of acres irrigated is 665. A flow rate of 11.14 cfs divided by 665 acres equates to a quotient of .0168 cfs per acre. The rate per acre multiplied by 87 acres equals 1.46 cfs. I propose that we license this water right for 1.46 cfs, for the 87 acres that are remaining. A total volume restriction should also be imposed.

MICROFILMED

AUG 23 1989

RECEIVED
JUN 16 1989

TO: GARY SPACKMAN
FROM: STEVE LESTER
DATE: JUNE 15, 1989
RE: LICENSING OF 61-07263

In response to your 1/27/89 memo and subsequent conversations, I talked to Mr. Leland Sabin today. He farms the property involved with Permit 61-07247A. During the field exams for 61-07247B, 61-07263, and 61-07264, I was informed that the well in Lot 1 (NENE), S.1, T3S, R4E tied into the pumping plant found in Lot 3 (SESW), S.31, T2S, R5E to form a common system for the lands described in the field exam reports. This information still appears valid.

I was also told that the S.1 well provided water to Sabin's land in 61-07247A. However, L. Sabin informed me that this is not correct (see attached copy of conv. memo). He stated that 61-07247A is irrigated with his well in SESW, S.36, T2S, R4E (about 1/2 mile NW of S.1 well). He wants to postpone the exam for his permit until this fall due to maintenance problems.

Therefore, the system of two wells for the three Ballantyne et al rights do not currently pump any water to any lands. The wells are related solely to lands enrolled in the CRP. It is not feasible to determine the pumping capacity by an actual flow measurement for either well in S.1 or S.31. Perhaps 61-07263 should be licensed based on the existing information just as the other two Ballantyne rights were licensed. If not, the licensing may need to be postponed until the 10 year CRP term ends and pumping resumes.

RECORDED

AUG 23 1989

similar points of diversion

Town- ship	Ran- ge	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
61-7247B				1.2 cfs															
3S	4E	1	60																60
61-7264				11.14 cfs															
2S	5E	31	39	39	40	40					40	40	39	39	40	40	41	42	479
		32						39	39										78
61-7263																			
3S	5E	6					39	43	45	38									165
																			782
			60	39	40	40	39	43	45	38	40	40	39	39	40	40	41	42	

NOT RECORDED

AUG 23 1989

Re: Licensing of 61-07263

CONVERSATION MEMORANDUM

DATE 6/15/89

FILED **RECEIVED**

NAME OF PARTY Leland Sabin 532-4296

EMPLOYEE Steve Lester

JUN 16 1989

Department of Water Resources

RE: Teletype conv:

172 acres in S.1 still farmed but well in Lot 1
(NONE) S.1 does NOT supply water to Sabin's land
in S.1. He gets water for S.1 land from well
in S.36.

Wants to pasture again until this fall due to
maint. problems etc. This is acceptable, especially
since S.1 well (re: 9. specimens 1/27/89 memo for
files 61-7247A & B, 61-7263, 61-7264) is not
involved.

This office will contact L. Sabin in late August or
early Sept. (1989) to follow up with exam on
61-07247A.

Sabin's permit (related to gld, S.36) 61-07255
but permit not due until 11/1990. 61-07255 is
A irrigate acres in S.25.

MICROFILMED

AUG 23 1989

MEMORANDUM

TO: Western Region, Steve Lester
FROM: Gary Spackman *Gary*
DATE: January 27, 1989
RE: Field examinations for permits nos. 61-7247A 61-7247B,
61-7263 and 61-7264: primarily in the name of W.J.
Ballantyne

Some of the lands listed as the place of use under the above permits have been placed in the conservation reserve program (CRP). All of the permits appear to be irrigated from two wells located in Lot 1 (NENE) Sec. 1, T3S, R4E, and also Lot 3 (SESW), Sec. 31, T2S, R5E, Elmore County. A license has been issued for 61-7247B and 61-7264. A draft license has been prepared for permit no. 61-7263. We do not show that a field exam has yet been conducted for 61-7247A.

Through all of the field exams, there has not yet been an evaluation of the pumping capacity of the system as a whole, and a listing of all the acres that are irrigated by it. Rather, the exams appear to be permit-specific, recommending one inch per acre. I am concerned that when the last field examination comes in, we may not have adequately conditioned the other licenses so that all of the rights are tied together.

When 61-07247A is examined, please map the entire system layout, and describe how the water is delivered to the respective acreages under each permit. Please also determine the pumping capacity of the system as a whole so that the water can be apportioned to the lands accordingly. We will not license 61-7263 until you have submitted the remaining overlapping rights that are connected to the system.

MICROFILMED

AUG 23 1989

July 15, 1988

EST. OF EDNA BALLANTYNE
W. J. BALLANTYNE
MARTHA ESSON
HERBERT C. HETHERINGTON
JEROLD L. WOOD
919 N. 17TH ST.
BOISE, ID 83702

RE: PERMIT NO. 61-07263

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

AUG 23 1989

27-May-1988

POINT OF DIVERSION: Township 03S Range 04E Section 01 Tract NENE

WR-NUMBER:
61-7247

CURRENT OWNER:
HERGERT FARMS

PRIORITY DATE:
10-Jan-1976

STAGE:
PERMIT

COUNTY: ELMORE
SOURCE: GROUNDWATER

TRIBUTARY:

WATER USE:

DIVERSION-RATE:

DIVERSION-VOLUME:

IRRIGATION

6.670 CFS

0.00 AF

TOTAL RATE:

6.670 CFS

TOTAL VOLUME: 0.00 AF

REMARKS: AC. IRR.=333.29.
REINSTATED 6-8-1981.

POINT OF DIVERSION: T02S R04E S36 SESW
T03S R04E S01 NENE

POINT OF DIVERSION: Township 03S Range 04E Section 01 Tract NENE

WR-NUMBER:
61-7263

CURRENT OWNER:
HERGERT FARMS

PRIORITY DATE:
1-Apr-1976

STAGE:
PERMIT

COUNTY: ELMORE
SOURCE: GROUNDWATER

TRIBUTARY:

WATER USE:

DIVERSION-RATE:

DIVERSION-VOLUME:

IRRIGATION

3.390 CFS

0.00 AF

TOTAL RATE:

3.390 CFS

TOTAL VOLUME: 0.00 AF

REMARKS: AC. IRR.=169.39.

POINT OF DIVERSION: T03S R04E S01 NENE

RECEIVED

AUG 23 1989

27-May-1988

PLACE OF USE: Township 03S Range 04E Section 01 Tract NENE

WR-NUMBER:
61-7247CURRENT OWNER:
HERGERT FARMSPRIORITY DATE:
10-Jan-1976STAGE:
PERMITCOUNTY: ELMORE
SOURCE: GROUNDWATER
WATER USE:

DIVERSION-RATE:

TRIBUTARY:

DIVERSION-VOLUME:

IRRIGATION

TOTAL RATE:

6.670 CFS
6.670 CFS

TOTAL VOLUME:

0.00 AF
0.00 AFREMARKS: AC. IRR.=333.29.
REINSTATED 6-8-1981.POINT OF DIVERSION: T02S R04E S36 * SESW
T03S R04E S01 NENEPLACE OF USE: T03S R04E S01 NENE LT01 AC 62
T03S R04E S01 NWNE LT02 AC 46
T03S R04E S01 SENE LT05 AC 53
T03S R04E S01 NENW LT03 AC 46
T03S R04E S01 NWNW LT04 AC 46
T03S R04E S01 SWNW AC 40
T03S R04E S01 SENW

TOTAL ACRES: 293

PLACE OF USE: Township 03S Range 05E Section 06 Tract NW

WR-NUMBER:
61-7263CURRENT OWNER:
HERGERT FARMSPRIORITY DATE:
1-Apr-1976STAGE:
PERMITCOUNTY: ELMORE
SOURCE: GROUNDWATER
WATER USE:

DIVERSION-RATE:

TRIBUTARY:

DIVERSION-VOLUME:

IRRIGATION

TOTAL RATE:

3.390 CFS
3.390 CFS

TOTAL VOLUME:

0.00 AF
0.00 AF

REMARKS: AC. IRR.=169.39.

POINT OF DIVERSION: T03S R04E S01 NENE

PLACE OF USE: T03S R05E S06 NENW LT03 AC 40
T03S R05E S06 NWNW LT04 AC 45
T03S R05E S06 SWNW LT05 AC 45
T03S R05E S06 SENW AC 40

TOTAL ACRES: 170

PLACE OF USE: Township 02S Range 05E Section 31 Tract NE
PLACE OF USE: Township 02S Range 05E Section 31 Tract SW
PLACE OF USE: Township 02S Range 05E Section 31 Tract SE
PLACE OF USE: Township 02S Range 05E Section 32 Tract W2NWWR-NUMBER:
61-7264CURRENT OWNER:
JOHN G. BENTZ, JR.
LAURICE D. BENTZPRIORITY DATE:
10-Jun-1976STAGE:
PERMITCOUNTY: ELMORE
SOURCE: GROUNDWATER
WATER USE:

DIVERSION-RATE:

TRIBUTARY:

DIVERSION-VOLUME:

IRRIGATION

TOTAL RATE:

11.350 CFS
11.350 CFS

TOTAL VOLUME:

0.00 AF
0.00 AF

REMARKS: AC. IRR.=567.64.

RECORDED

AUG 23 1989

REINSTATED 7/2/81.

POINT OF DIVERSION:	T02S	R05E	S31	SWSW		
PLACE OF USE:	T02S	R05E	S32	NWNW	AC	40
	T02S	R05E	S32	SWNW	AC	40
	T02S	R05E	S31	NENE	AC	40
	T02S	R05E	S31	NWNE	AC	40
	T02S	R05E	S31	SWNE	AC	40
	T02S	R05E	S31	SENE	AC	40
	T02S	R05E	S31	NESW	AC	40
	T02S	R05E	S31	NWSW	AC	40
	T02S	R05E	S31	SWSW	LT04	AC 41
	T02S	R05E	S31	SESW	LT03	AC 41
	T02S	R05E	S31	NESE		AC 40
	T02S	R05E	S31	NWSE		AC 40
	T02S	R05E	S31	SWSE	LT02	AC 42
	T02S	R05E	S31	SESE		AC 43
				TOTAL ACRES:		567

MICROFILMED

AUG 23 1989

m 219-S.A.
6/86

PD/ 3S 4E 5.1 NENE
2S 4E 5.36 SESW
NOT shown on Proof Report

PN/ 3S 5E S. 6 NW 1/4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

61-7263
Permit No.
RECEIVED
MAR - 1 1988

Department of Water Resources

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☒ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index SL 11/12/87 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☒ copy of exam(s) attached? See 7247B, 7264A
Type of Overlap? ☒ Add acres or uses to existing system
☒ Increase rate of flow or volume
☐ Other: _____

Check of P/U index SL 11/12/87 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of water right(s) attached?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____

Aerial Photo

Required? ☒ yes ☐ no If yes: ☒ copy attached?

Scheduling Letter sent? N/A (Initial and date)

☒ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
- ☒ Photographs of Point of Diversion and Place of Use
- ☒ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed Star Lester 11/20/87 and 1/12/88 (Signature of examiner and date)
Exam Reviewed by Senior Water Resource Agent BD 2/25/88 (Initial and date)
Exam Reviewed by Manager of Regional Office DM 2/29/88 (Initial and date)
Exam Date Entered in Computer _____ (Initial and date)
Exam sent to State Office BD 2/29/88 (Initial and date)
Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

CRP acreage, review with 61-7247A and 61-7247B

A. GENERAL INFORMATION

1. Owner: Jerald L. Wood et al (as in 61-7264A) Permit No. 61-7263
Current Address: 919 N. 17th St Boise, Id Phone No. 342-5426
2. Accompanied by: J.L. Wood and ALAN DANCE EXAM. DATE: 11/20/87
Address: same 775 S. 14th W., Pingree, Id. 83262 Phone No. as above - J.L.W.
Relationship to Permit Holder: OWNER and operator 684-4022 - A DANCE
3. Source: groundwater tributary to

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE ☐ Copies Attached
2. Other water rights with same point of diversion: 61-7247B and 61-7264A ☐ Copies Attached ☐ Copies of Field Exam's Attached
See originals in this package

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

*See 61-7247B
and
61-7264A*

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Scale: 1" =

2. ☒ Copy of U.S.G.S. Quadrangle Attached ☒ Aerial Photo Attached
Showing location(s) of point(s) of diversion and place(s) of use (required). See 61-7264A
☒ Photo of Diversion and System Attached See 61-7264A
(required for all but single household domestic groundwater, and stockwater.)

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

The same well described in 61-7247B is the original P/O for this permit. Again, well in 61-7264A can deliver water to these acres. ^{Also}

The 10" pipe leading E. from the diversion #1 supplied water to acres in S. 6. Note that the well was last used in 1984-85. Well of 61-7264A has irrigated S. 6 acres since then.

Normal operation consists of 10 lines with 32 heads/line using same type of sprinklers described in 61-7264A.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
See 61-7247B and 61-7264A					

*Code to correspond with No. on map and aerial photo

5. **Point(s) of Diversion:** AS in 61-7247B

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
01	01		NE	NE	01	3S	4E	Elmore	USGS 7 1/2' Quad's ASCS photo
02	03		SE	SW	31	2S	5E	Elmore	

6. **Place(s) of Use:**

Indicate Method of Determination Same as in P/O

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3S	5E	6					23 39	24 43	25 45	38									165

Subtracted 1 ac. per 1/4 mile of road. NW 1/4 lost 1 1/2 acres for road across N. side and smaller access road on W. side.

Do not use this space

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Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

2. Measurements:

NONE, system not irrigating now.
 See 61-7247B for more details.
 10 lines at 32 hds/line = 320 heads
 4.98 gpm/hd.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: NONE

2. Alternate Method for Checking Purposes:

See Logre Pump test data
 in 61-7247B →

① Sprinklers $\frac{320 \times 4.98}{448.8} = 3.55 \text{ cfs}$
 ② Pump test sheets
 main pump = 2300 gpm = 5.12 cfs
 main + Boosters = 4600 gpm = 10.25 cfs
 ③ HP eq. from 61-7247B = 4.85 cfs

Rec'd Flow:
 $165 \text{ ac.} \times .02 \text{ cfs/ac}$
 $= 3.30 \text{ cfs}$
 (slightly less than permit amount)

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 165(4.5) = 742.5$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (3.30)(245)(1.9835) = 1603.7$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 742.5$

2. Volume Calculations for Other Uses:

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

The well in NENE 5.1 :

combined sprinkler measurements from 7247B & 7263 = $1.42 + 3.55 = 4.97$ cfs ;

Total output from HP equation = 4.85 cfs ;

Total paid for licensing = $1.20 + 330 = 4.50$ cfs. Theoretical system capacity (4.85 cfs) is within reasonable range of sprinkler flows and rec'd licenses flows.

Meas. device requirement and ext. of time notes from 7247B apply here.

Limit license based on bln, 1" / acre.

Overlap -

The two wells are the same as previously discussed in 7247B.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3/15	11/15	3.30	742.5
Totals:				

2. Recommended Amendments

- ☒ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☐ None
☐ Other

J. AUTHENTICATION

Field Examiner's Name

Steve Lester

Signature

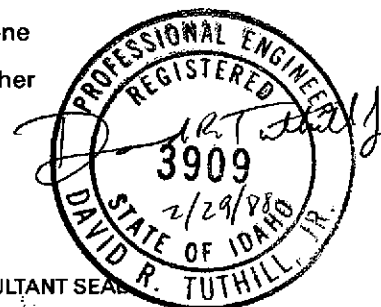
Steve Lester

Certification Date

Field Report Preparation Date

11/20/87, completed 11/12/88

BD
2/25/88



CONSULTANT SEAL

- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MICROFILMED

AUG 23 1989

61-7263

PO 125 31
SE 11
5.6

589557 (1800.43)

11/2.43
4.46 39.53 2 11 1 11
39.16 38.39
38.32 38.92 39.32

(5) a.
4.5.100
C 16 83 20

6
4.5.108

7
1.5.16
1890 49 11
20.58 20 40

1.5.16
4.5.109

MICROFILMED
AUG 23 1989

FROM

Steve Laster

DATE

1/12/88

TO

Reveries

SUBJECT

61- 7264 (A)
7247 (B)
7263

} Represent a farm
Recently enrolled in CRP.

The 3 should be reviewed together.

MICROFILMED

AUG 23 1989



SIGNATURE

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM S. Lester

JAN 12 1988

DATE 11/12/88

TO Cheryl Wilson

Department of State, Washington

SUBJECT 61-7247 (B), 7264, 7263

Here's information to help in assignments for the 3 permits. I conducted b/m exams on them in 11/87. The exam reports are in the review process at Western (Brail or Dave).

Note that some acres described in the permits are not covered by the 4 Sheriff's sales. These acres require additional work concerning exam fees, etc.

MICROFILMED

Steve Lester

SIGNATURE

AUG 23 1989

RECEIVED

JAN 13 1988

1/6/88

Sheriff's Certificate Department of Water Resources Description of

Permit	of Sale No.	Land Sold	Acres	
61-7264A	8907	T. 2 S. - R. 5 E. - S. 31 :		SUBTOTAL
		N $\frac{1}{2}$ SW $\frac{1}{4}$	80.00	
		LOT 3, SE SW	41.43	
		LOT 4, SWSW	40.48	
				161.91
61-7264A	9837	T. 2 S. - R. 5 E. - S. 31 :		
		N $\frac{1}{2}$ SE $\frac{1}{4}$	80.00	
		LOT 1, SESE	43.34	
		LOT 2, SWSE	42.39	
		T. 2 S. - R. 5 E. - S. 32 :		165.73
		W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$	40.00	
		NESWNW	40.00	
61-7264A	9838	T. 2 S. - R. 5 E. - S. 31 :		80.00
		NE $\frac{1}{4}$	160.00	
		T. 2 S. - R. 5 E. - S. 32 :		160.00
		NENWNW	40.00	
				40.00
61-7247B	9839	T. 3 S. - R. 5 E. - S. 6 :		
61-7263		LOT 3, NENW	39.53	
		LOT 4, NWNW	44.86	
		LOT 5, SWNW	45.00	
		SE NW	40.00	
		T. 3 S. - R. 4 E. - S. 1 :		169.39

Recommended

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AUG 23 1989

TOTAL

838.78

from USGS PLATS SHOWING GOVT. LOTS

1/6/88

Lands under 61-7264 and 61-7247 NOT COVERED IN
Sheriff's Certificate of Sale

TRACT	OWNER AND ADDRESS	REC'D WATER RIGHT
2S-5E-S.32:		
SE NW NW	Bryce L. Hergert P.O. Box 191, Mt. Home	61-7264 B
SE SW NW	Wayne Hergert 255 E. 14 N., Mt. Home	61-7264 B ^{2/}
3S-4E-S.1:		
Lot 2 (NWNE)	Wayne Hergert (address above)	61-7247 A ^{3/}
Lot 5 (SENE)	Monty Hergert Rt. 1, Box 815 B, Mt. Home	61-7247 A ^{3/}
NW 1/4	Laurence Palmer 1920 N. main Orem, Ut. 84057	61-7247 A ^{3/}

Whatever the situation, some follow-up is needed concerning
exam fees and disposition of the water rights.

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AUG 23 1989

^{1/} from Elmore Co. Assessor, Mt. Home (587-3521)

^{2/} assumes that Bryce & Wayne Hergert are owners in Hergert Farms
I understand that Hergert Farms is bankrupt. If so, it's possible
that each 10 ac. tract should have its own right (7264 B & C)

^{3/} assumes that these owners are part of Hergert Farms. Again, it
may be possible that 3 separate rights would be needed
(7247 A, C, D).

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

W.J. BALLANTYNE; MARTHA ESSON;
EDNA BALLANTYNE; JEROLD L.
WOOD; and HERBERT C. HETHERINGTON,

Plaintiffs

vs

HERGERT FARMS, a partnership;
DOROTHY ALEXANDER; WAYNE HERGERT
and KELLY HERGERT, husband
and wife; BRYCE HERGERT and
PENNY HERGERT, husband and
wife; MONTE HERGERT and
VALINDA T. HERGERT, aka TY
HERGERT, husband and wife;
NIEL HERGERT and MARIE
HERGERT, husband and wife;
HERGERT BROTHERS, a partner-
ship; COMMODITY CREDIT COR-
PORATION; LINDSAY CREDIT COR-
PORATION; WESTERN IDAHO PRO-
DUCTION CREDIT ASSOCIATION;
JOHN G. BENITZ and LAURICE D.
BENITZ, husband and wife, C & H
FARMS, INC.; EDMARK AUTO dba
EDMARK CHEVROLET, an Idaho
corporation,

Defendants

SHERIFF'S CERTIFICATE OF SALE
UNDER WRIT OF EXECUTION

Case No. 8907

SHERIFF'S OFFICE)
COUNTY OF ELMORE) SS:
STATE OF IDAHO)

I, RICK LAYHER, Sheriff of the County of Elmore, State of Idaho, do hereby certify that under and by virtue of a WRIT OF EXECUTION in the above entitled action, attested upon the 8th day of December, 1986, issued on a judgment entered in the said cause in favor of the plaintiffs and against the defendants upon the 8th day of December, 1986, by which Writ of Execution, I was commanded to make the sum of \$129,478.97 plus interest from December 8, 1986 in the amount of \$1851.73 and accruing costs of \$209.76, making a total of \$131,540.46 out of the sale of the real property described in the said Notice of Sheriff's Certificate at public auction.

MICROFILMED

AUG 23 1989

I further certify that I did levy upon the within described real property under this Writ of Execution, on the 9th day of December, 1986. That on the 6th day of January, 1987, between the hours of 9:00 o'clock in the forenoon and 5:00 o'clock in the afternoon, to-wit at the hour of 10:00 o'clock in the forenoon of the said day, at the front door of the Elmore County Courthouse in Mountain Home, County of Elmore, State of Idaho, I sold at public auction according to law to W.J. Ballantyne; Martha Esson, Edna Ballentyne, Jerold L. Wood and Herbert C. Hetherington, the within named plaintiffs, a bid made by Donald E. Downen of Gigray, Miller, Downen, Weston & Pasley, Attorneys at Law for the within named plaintiffs, who was the highest and best bidder for the sum of \$131,540.46, all of the right, title, claim and interest of the within named defendants, in and to the following described real property, situated in Elmore County, State of Idaho, to-wit:

The North Half of the Southwest Quarter and Lots 3 and 4 (in the Southwest Quarter) all in Section 31, Township 2 South, Range 5 East of the Boise Meridian, Elmore County, Idaho.

Together with all and singular the tenements, herditaments and appurtenances thereunto belonging or in anywise appertaining, including all water rights, water permits and ditch rights and rights of way for water and ditches.

That said property was sold in one lot or parcel for the said sum of \$131,540.46, which was the whole price paid for the same and that said property is subject to redemption in one (1) year in lawful money of the United States of America, with interest and costs, pursuant to the Statutes in such cases made and provided.

Dated: 6th day of January, 1987

ELMORE COUNTY, IDAHO, ss

239356

Request of

Elmore County Sheriff

Time

3:03 P. M.

Date

January 7, 1987

Eck

0

Page

RAMONA YRAZABAL

By

Mark F. Becker

Deputy *72442*

RICK LAYHER, Sheriff
Elmore County, Idaho

By

Donald E. Downen
Deputy Sheriff

Subscribed and sworn to before me this *7th* day of January, 1987

Alvin O. Chapman
NOTARY PUBLIC for Idaho
Residing in Mtn. Home, Idaho

Certificate of Sale - 2
Case No. 8907

AUG 23 1989

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO
IN AND FOR THE COUNTY OF ELMORE

W.J. BALLANTYNE; MARTHA ESSON;
W.J. BALLANTYNE as Personal
Representative of the Estate
of Edna Ballantyne, deceased;
JEROLD L. WOOD and HERBERT C.
HETHERINGTON,
Plaintiffs,

VS

NIEL A. HERGERT, aka Niel
Alan Hergert, Sr., and MARIE
HERGERT aka Marie Rosetta
Hergert, aka Marie R. Hergert,
husband and wife; HERGERT FARMS,
a partnership, aka Hergert Farms
a Co-Partnership; BRYCE L. HERGERT
and PENNY E. HERGERT, husband and
wife; RICHARD WAYNE HERGERT and
KELLY R. HERGERT, husband and
wife; MONTE E. HERGERT and
VALINDA T. HERGERT, husband and
wife; UNITED STATES OF AMERICA,
Acting through Farmers Home
Administration; INTERSTATE
PRODUCTION CREDIT ASSOCIATION,
a corporation; C & H FARMS,
INC.; COMMODITY CREDIT CORPORATION;
and FIRST SECURITY BANK OF IDAHO, N.A.,
Defendants.

SHERIFF'S CERTIFICATE OF SALE
UNDER WRIT OF EXECUTION

Case No. 9837

SHERIFF'S OFFICE)
COUNTY OF ELMORE) SS:
STATE OF IDAHO)

I, RICK LAYHER, Sheriff of the County of Elmore, State of Idaho, do hereby certify that under and by virtue of a WRIT OF EXECUTION in the above entitled action, attested upon the 8th day of December, 1986, issued on a judgment entered in the said cause in favor of the plaintiffs and against the defendants upon the 8th day of December, 1986, by which Writ of Execution, I was commanded to make the sum of \$132,420.46, plus interest from December 8, 1986 in the amount of \$1742.04 and accruing costs of \$253.88, making a total of \$134,416.38 of the sale of the real property described in the said Notice of Sheriff's Sale and in this Certificate at public auction.

MICROFILMED

AUG 23 1989

I further certify that I did levy upon the within described real property under this Writ of Execution, on the 9th day of December, 1986. That on the 6th

day of January, 1987, between the hours of 9:00 o'clock in the forenoon and 5:00 o'clock in the afternoon, to-wit: at the hour of 10:00 o'clock in the forenoon of the said day, at the front door of the Elmore County Courthouse in Mountain Home, County of Elmore, State of Idaho, I sold at public auction according to law to W.J. Ballantyne; Martha Esson; W.J. Ballantyne as personal representative of the Estate of Edna Ballantyne, deceased; Jerold L. Wood and Herbert C. Hetherington, the within named plaintiffs, a bid made by Donald E. Downen of Gigray, Miller, Downen, Weston & Pasley, Attorneys at Law for the within named plaintiffs, who was the highest and best bidder for the sum of \$134,416.38, all of the right, title, claim and interest of the within named defendants, in and to the following described real property, situated in Elmore County, State of Idaho, to-wit:

The Southeast Quarter (being Lots 1 and 2 and the North Half of the Southeast Quarter) of Section 31, Township 2 South, Range 5 East of the Boise Meridian, Elmore County, Idaho.

AND

The West Half of the West Half of the Northwest Quarter of Section 32, and the Northeast Quarter of the Southwest Quarter of the Northwest Quarter of Section 32, all in Township 2 South, Range 5 East of the Boise Meridian, Elmore County, Idaho.

Together with all and singular the tenements, herditaments and appurtenances thereunto belonging or in anywise appertaining, including all water rights, water permits and ditch rights and rights of way for water and ditches.

That said property was sold in one lot or parcel for the said sum of \$134,416.38, which was the whole price paid for the same and that said property is subject to redemption in one (1) year in lawful money of the United States of America, with interest and costs, pursuant to the Statutes in such cases made and provided.

Dated: 6th day of January, 1987

ELMORE COUNTY, IDAHO, ss

239353

Request of

Elmore Co. Sheriff

Time 3:05 P.M.

Date January 7, 1987

Book _____ of _____

Page RAMONA YRAZABAL Clerk

Subscribed and sworn to before me this 7th

By Martha L. Beckey, Deputy
for \$4.00

RICK LAYHER, Sheriff
Elmore County, Idaho.

MICROFILMED

AUG 23 1989

By Andy Miller
Deputy Sheriff

day of January, 1987

Alice Chincham

Notary Public for Idaho

Residing in Mtn. Home, Idaho

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF ELMORE

W.J. BALLANTYNE; MARTHA ESSON;
W.J. ballantyne as Personal
Representative of the Estate
of Edna Ballantyne, deceased;
JEROLD L. WOOD and HERBERT C.
HETHERINGTON,
Plaintiffs,

vs

MONTE E. HERGERT, aka Monte
Hergert, aka Monte Earl Hergert
and VALINDA HERGERT aka Valinda
T. Hergert, husband and wife;
HERGERT FARMS aka Hergert Farms
by Monte Hergert aka Hergert
Farms, a partnership, aka
Hergert Farms a Co-Partnership;
NIEL A. HERGERT and MARIE R.
HERGERT, Husband and wife;
BRYCE L. HERGERT and PENNY E.
HERGERT, husband and wife;
RICHARD WAYNE HERGERT and
KELLY R. HERGERT, husband and
wife; UNITED STATES OF AMERICA,
Acting through Farmers Home
Administration; INTERSTATE
PRODUCTION CREDIT ASSOCIATION,
a corporation; C & H FARMS,
INC.; FARM BUREAU MUTUAL IN-
SURANCE COMPANY; and FIRST
SECURITY BANK OF IDAHO, N.A.,
Defendants.

SHERIFF'S CERTIFICATE OF SALE
UNDER WRIT OF EXECUTION
Case No. 9838

RECEIVED
NOV 24 1987

Department of Water Resources
Western Regional Office

SHERIFF'S OFFICE)
COUNTY OF ELMORE) SS:
STATE OF IDAHO)

I, RICK LAYHER, Sheriff of the County of Elmore, State of Idaho, do hereby
certify that under and by virtue of a WRIT OF EXECUTION in the above entitled
action, attested upon the 8th day of December, 1986, issued on a judgment entered
in the said cause in favor of the plaintiffs and against the defendants upon the
8th day of December, 1986, by which Writ of Execution, I was commanded to make
the sum of \$135,602.24, plus interest from December 8, 1986 in the amount of
\$1787.16 and accruing costs of \$238.76, making a total of \$137,628.16, by the
sale of thereal property described in the said Notice of Sheriff's Sale and in
this Certificate at public auction.

MICROFILMED

AUG 23 1989

I further certify that I did levy upon the within described real property under this Writ of Execution, on the 9th day of December, 1986. That on the 6th day of January, 1987, between the hours of 9:00 o'clock in the forenoon and 5:00 o'clock in the afternoon, to-wit: at the hour of 10:00 o'clock in the forenoon of the said day, at the front door of the Elmore County Courthouse in Mountain Home, County of Elmore, State of Idaho, I sold at public auction according to law to W.J. Ballantyne; Martha Esson; W.J. Ballantyne as personal representative of the Estate of Edna Ballantyne, deceased; Jerold L. Wood and Herbert C. Hetherington, the within named plaintiffs, a bid made by Donald E. Downen of Gigray, Miller, Downen, Weston & Pasley, Attorneys at Law for the within named plaintiffs, who was the highest and best bidder for the sum of \$137,628.16, all of the right, title, claim and interest of the within named defendants, in and to the following described real property, situated in Elmore County, Idaho, to-wit:

The Northeast Quarter of Section 31, Township 2 South,
Range 5 East of the Boise Meridian, Elmore County,
Idaho.

AND

The Northeast Quarter of the Northwest Quarter of the
Northwest Quarter of Section 32, Township 2 South,
Range 5 East of the Boise Meridian, Elmore County,
Idaho.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including all water rights, water permits and ditch rights and rights of way for water and ditches.

That said property was sold in one lot or parcel for the said sum of \$137,628.16, which was the whole price paid for the same and that said property is subject to redemption in one (1) year in lawful money of the United States of America, with interest and costs, pursuant to the Statutes in such cases made and provided.

Dated: 6th day of January, 1987

ELMORE COUNTY, IDAHO, ss

Recorder of

Elmore C. Sheriff

Time 3:06 P.M.

Date January 7, 1987

Book _____ of _____

Page _____

RAMONA YRAZABAL

By Merle L. Beaker

Fee 4.00 Deputy

239354

RICK LAYHER, Sheriff
Elmore County, Idaho

By Shirley Miller
Deputy Sheriff

UNRECORDED

AUG 23 1989

Subscribed and sworn to before me this 7th day of January, 1987

Certificate of Sale - 2
Case No. 9838

Alice Chenchaun
NOTARY PUBLIC for Idaho
Residing in Mtn. Home, Idaho

61-7247-B
7263

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF ELMORE

W.J. BALLANTYNE; MARTHA ESSON;
W.J. BALLANTYNE as Peronsl
Representative of the Estate
of Edna Ballantyne, deceased;
JEROLD L. WOOD and HERBERT C.
HETHERINGTON,

Plaintiffs,

vs

BRYCE L. HERGERT, aka Bryce
Lee Hergert and PENNY E.
HERGERT, aka Penny Hergert,
husband and wife; HERGERT
FARMS, a co-partnership, aka
Hergert Farms, a partnership;
NIEL A. HERGERT and MARIE R.
HERGERT, husband and wife;
RICHARD WAYNE HERGERT and
KELLY R. HERGERT, husband and
wife; MONTE E. HERGERT and
VALINDA T. HERGERT, husband
and wife; UNITED STATES OF
AMERICA, Acting through the Farmers
Home Administration; INTERSTATE
PRODUCTION CREDIT ASSOCIATION,
a corporation; C & H FARMS, INC.; and
FIRST SECURITY BANK OF IDAHO, N.A.,

Defendants.

SHERIFF'S CERTIFICATE OF SALE
UNDER WRIT OF EXECUTION
Case No. 9839

RECEIVED
SEP 18 1987

Idaho State Resources
County Clerk's Office

SHERIFF'S OFFICE)
COUNTY OF ELMORE) SS:
STATE OF IDAHO)

I, RICK LAYHER, Sheriff of the County of Elmore, State of Idaho, do hereby
certify that under and by virtue of a WRIT OF EXECUTION in the above entitled
action, attested upon the 8th day of December, 1986, issued on a judgment entered
in the said cause in favor of the plaintiffs and against the defendants upon the
8th day of December, 1986, by which Writ of Execution, I was commanded to make
the sum of \$129,928.76, plus interest from December 8, 1986 in the amount of
\$1706.09 and accruing costs of \$216.76, making a total of \$131,851.61 out of the
sale of the real property described in the said Notice of Sheriff's Sale and in
this Certificate at public auction.

I further certify that I did levy upon the within described real property
under this Writ of Execution, on the 9th day of December, 1986, and on the 6th

MICROFILMED

AUG 23 1989

ok

of January, 1987, between the hours of 9:00 o'clock in the forenoon and 5:00 o'clock in the afternoon, to-wit: at the hour of 10:00 o'clock in the forenoon of the said day, at the front door of the Elmore County Courthouse in Mountain Home, County of Elmore, State of Idaho, I sold at public auction according to law to W.J. Ballantyne; Martha Esson; W.J. Ballantyne as personal representative of the Estate of Edna Ballantyne, deceased; Jerold L. Wood and Herbert C. Hetherington, the within named plaintiffs, a bid made by Donald E. Downen of Gigray, Miller, Downen, Weston & Pasley, Attorneys at Law for the within named plaintiffs, who was the highest and best bidder for the sum of \$131,851.61, all of the right, title, claim and interest of the within named defendants, in and to the following described real property, situated in Elmore County, Idaho, to-wit:

Lots 3, 4 and 5 and the Southeast Quarter of the Northwest Quarter of Section 6, Township 3 South, Range 5 East of the Boise Meridian, in Elmore County, Idaho.

AND

Lot 1 of Section 1, Township 3 South, Range 4 East of the Boise Meridian, Elmore County, Idaho.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including all water rights, water permits and ditch rights and rights of way for water and ditches.

That said property was sold in one lot or parcel for the said sum of \$131,851.61, which was the whole price paid for the same and that said property is subject to redemption in one (1) year in lawful money of the United States of America, with interest and costs, pursuant to the Statutes in such cases made and provided.

Dated: 6th day of January, 1987

ELMORE COUNTY, IDAHO, ss

239355

RICK LAYHER, Sheriff
Elmore County, Idaho

Request of

Elmore County Sheriff

Time 3:07 P. M.

Date January 7, 1987

Book of

Page

RAMONA YRAZABAL

By Merla Becker Feb 4 87

Subscribed and sworn to before me this 7th day of January, 1987

Alice Charichon
NOTARY PUBLIC for Idaho
Residing in Mtn. Home, Idaho

AUG 23 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

R. KEITH HIGGINSON

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

September 17, 1987

RE: Permit Nos. 61-7247 & 61-7263

W.J. Ballantyne
919 N. 17th
Boise, ID 83702

Dear Mr. Ballantyne:

We are in receipt of a copy of a Sheriff's Certificate of Sale which shows that you and others purchased property and water permits 61-7247B and 61-7263. As permit holders, there are requirements that must be met in order to perfect a licensed water right for the property that you and the otherw now own.

Enclosed is a copy of an Examination Fee Notice sent to Hergert Farms on April 3, 1987 for both permits.

Due to the delay of processing the recording of the water permit ownership change, the deadline for responding to the Examination Fee Notice is set 60 days from the date of this letter.

In addition, the Sheriff's Certificate showed five owners to these two permits, please provide addresses for:

Martha Esson, Jerold L. Wood and Herbert C. Hetherington

If you have any questions on this, we encourage you to contact us so that we can insure that these permits are not cancelled.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosure

MICROFILMED

AUG 23 1989

MEMORANDUM

TO: Files 61-7247 & 61-7263

FROM: Jim Johnson

DATE: September 17, 1987

RE: Change in Ownership of Permits

In response to the examination fee notice of 4/3/87, the Department received copies of the "Sheriff's Certificate of Sale Under Writ of Execution" as evidence that permit ownership had changed from Hergert Farms to W.J. Ballantyne, et al.

Permit 61-7247 contains land in Section 1, which was not included in the Sheriff's sale; therefore, only a portion of this permit changed to the Ballantyne ownership. All of permit 61-7263 was included.

Dave Tuthill of Western Region was unsure of how to process the assignment and asked the state office for assistance.

Since no response to the 4/3/87 letter could be made until proper action was determined, the requirements of the correspondence are waived.

A new Examination Fee Notice will be sent to the new owners. Additional addresses are required for the new owners pursuant to Departmental Rules and Regulations 3,3,2,1. Presently the only address known is that of W.J. Ballantyne, which is 919 N. 17th, Boise 83702.

The portion of right 61-7247 owned by Ballantyne, et al is:

Rate of Flow: 1.24 cfs

P/U - 61.75 acres within Gov. Lot 1 (NENE), Sec. 1, T3S, R4E

P/D - Gov. Lot 1 (NENE), Sec. 1, T3S, R4E

MICROFILMED
AUG 23 1989

4/86

Rec'd 5/6/87
Western Region
Jp

RECEIVED

DEC 17 1987

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

For Office Use Only
Fee Received 115.00
Date 5/6/87
Receipt # 44005
Receipt by DRR
Sent to S.O. 12/14/87 Jp

EXAMINATION FEE INFORMATION

KEYPUNCHED

1. Permit No. 61-7263

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Jerold L. Wood, et al

3. Post Office Address: 919 N. 17th St. Boise, Id 83702

Telephone No. 342-5426

4. Source of Water: Groundwater

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 170 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 3.39 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

1977

8. Person to contact to accompany the department representative during the field examination:

Same as above

MICROFILMED

(Name)

AUG 23 1989

(Address)

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

Date

5/6/87

Jerold L. Wood
Signature of Permit Holder (and title, if appropriate)

It is requested that the examination
for beneficial use of water permits
as follows:

61-7264

61-7263

61-7247

be delayed until 1988 growing
season. This land has been in bankruptcy
and is not being fully utilized at
the present time.

Jerald L. Hood
5/6/87

MICROFILMED

AUG 23 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

Cecil D. Andrus
Governor

2735 Airport Way
Boise, Idaho 83705
(208) 334-2190

61-7263
HERGERT FARMS
P.O. BOX 787
MOUNTAIN HOME, ID 83647

138150

April 3, 1987

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information set showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

MICROFILMED

AUG 23 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

A. Kenneth Dunn
Director

(208) 334-2190

January 13, 1982

Hergert Farms
Box 787
Mountain Home, Idaho 83647

RE: 61-7263

Dear Sir:

We acknowledge receipt of your statement submitted as proof as beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

☒ A field examination of your system has been scheduled for
no appointment made.

If this time and date is not convenient for you, please contact this office as soon as possible.

☐ A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

Judy Pense

Judy Pense
Secretary

MICROFILMED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 61-7263

Name(s) of Permit Holder: HERGERT FARMS

Post Office Address: Box 787, Mt. Home, IDAHO

Tel. No. 587-7332

Source of Water: GROUNDWATER

Extent of Use:

<input type="checkbox"/> Domestic	_____	(number of households)
<input type="checkbox"/> Stockwater	_____	(number and type of stock)
<input checked="" type="checkbox"/> Irrigation	<u>169.39</u>	(acres)
<input type="checkbox"/> Other	_____	

Measuring Device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

Access Point: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

Date _____

Signature of Permit Holder [Signature]

PLACE
TEN CENT
STAMP
HERE

MAY 8 1981

Department of Water Resources

RECEIVED



MICROFILMED

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED

MAR 20 1981

Department of Water Resources
Western Regional Office

May 4, 1981

Hergert Farms
P. O. Box 787
Mountain Home, ID 83647

Gentlemen:

Re: Permit Nos. 61-7263 and 61-7247

This office acknowledges receipt of the assignments conveying the above-referenced permits to you. The assignments have been entered into the department's records. Enclosed for your information are copies of the permits.

Also enclosed are the statement of beneficial use postcards which were received along with the postcards. Please sign them and return to this office by June 1, 1981 to keep the permits from further lapsing.

If you have questions concerning these permits, please feel free to contact us.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosures

MICROFILMED

DATE 3-16-1981 ✓

101-7263
FILE 101-7264

NAME OF PARTY

Mr. Hergert

EMPLOYEE

Rita Fleck

101-7247

RE:

The present owner of the property, Mr. Hergert contacted Lee Sisco today to find out the status of these permits.

Each permit needs an assignment and a statement of beneficial use or extension of time request submitted.

Lee provided Mr. Hergert with the forms and suggested he contact the present permit holders to obtain the assignments.

MICROFILMED

DEPARTMENT OF WATER RESOURCES

STATEHOUSE

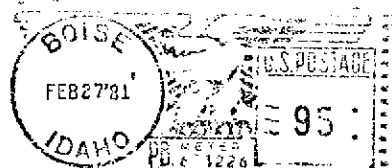
BOISE, IDAHO 83720

*per Elmore County
Assessor, no new
address.*



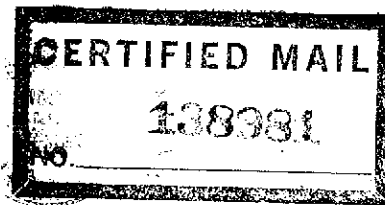
3-10-81

AUTHORIZED TIME
FOR FORWARDING
HAS EXPIRED



RECEIVED

Department of Water Resources



MICROFILMED

Pita 61-7263



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

OSBORN, ROBERT E. & BETTY F.
885 E. 17TH N.
MOUNTAIN HOME, ID 83647

FEBRUARY 28, 1981

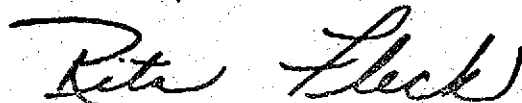
DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 61-7263 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MAY 01, 1981. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,



RITA FLECK
SR. SECRETARY

ENCLOSURES

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

OSBORN, ROBERT E. & BETTY F.
885 E. 17TH N.
MOUNTAIN HOME, ID 83647

138781

FEBRUARY 28, 1981

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 61-7263 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MAY 01, 1981. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

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SINCERELY,

RITA FLECK
SR. SECRETARY

ENCLOSURES

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Idaho 83720

PRESORTED
FIRST-CLASS



61-7263

Robert E. &/or Betty F. Osborn
885 E. 17th N.
Mountain Home, Idaho 83647

UNDELIVERABLE
RETURN TO SENDER
- UNABLE TO FORWARD

Returned
RECEIVED

JUL 31 1980

Department of Water Resources

Batch # 14

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

July 28, 1980

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the Regional Office nearest to you.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL JR., P.E.
Supervisor, Water Allocations Section

DRT:jg

Enclosures

Northern Region Office
Rt. #5 Box 203, Government Way
Coeur d'Alene, Idaho 83814

Eastern Region Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Southern Region Office
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301

Western Region Office
92 South Cole Road
Boise, Idaho 83705

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**INSTRUCTIONS FOR
ACCESS PORT INSTALLATION**

Purpose

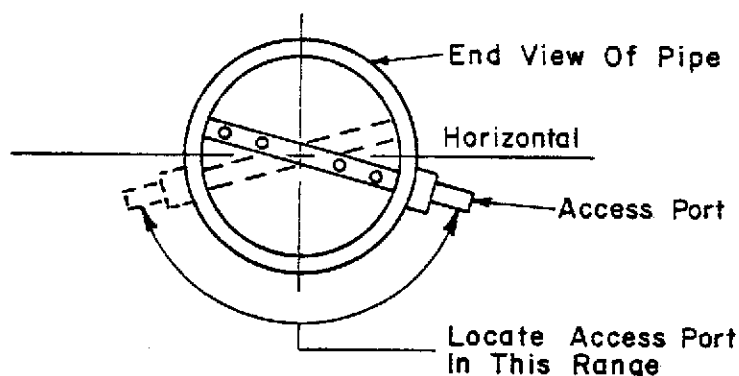
The Department of Water Resources' examiners now have portable measuring devices to measure the flow of water in a pipe flowing full. However, for them to be able to use these devices you must install an access port in your pipeline. You, of course, may wish to install a permanent measuring device or have the flow of your system measured and certified by a professional engineer.

General Requirements

The access port shall be made by welding a 1½ inch welding coupling onto the supply pipe as shown on the attached figures. These welding couplings may be obtained at most plumbing supply dealers.

The access port must be installed at least 24 pipe diameters downstream from the pump, at least 9 pipe diameters downstream and at least 4 pipe diameters upstream from any flow restrictions such as reducers, elbows or control valves. Control valves should be located downstream from the access port. The above required distances may be reduced if straightening vanes are installed in the pipe.

The coupling must be installed perpendicular to the pipe axis and also so that the centerline of the port passes through the center of the pipe. The access should be installed on the side of the pipe, as shown in the following sketch, to eliminate the problem of air in the pipe interfering with the measuring device reading.



Specific Requirements

The type of access port necessary, between Figure 1 and Figure 2 on the back of this page, depends on whether you are willing to turn off your diversion system during the installation of the measuring device.

An access port constructed as shown on Figure 1, access port cold tap, is acceptable if you are willing to turn off your system during the installation of the measuring device. This installation should take no longer than thirty minutes.

An access port constructed as shown in Figure 2, access port hot tap, is necessary if you are not willing to turn your system off during the installation of the measuring device. The valve must be a 1½ inch gate valve with a clear opening of at least one inch. This hot tap can only be made on systems that have pressures less than 70 pounds per square inch. If your system pressure is greater than 70 pounds per square inch, then it must be turned off during the measuring device installation.

If you have questions about the access port, please contact the department's nearest regional office.

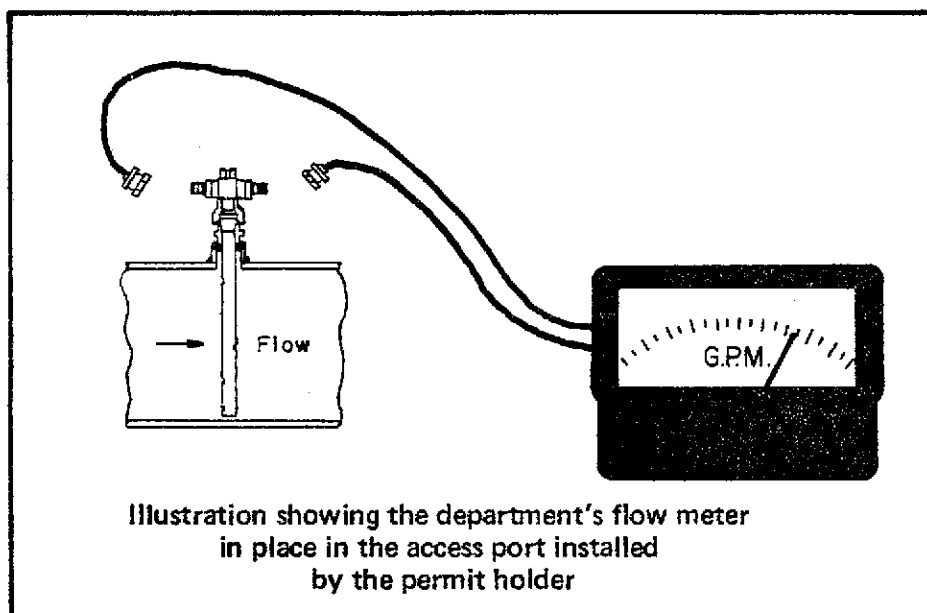


Figure 1

ACCESS PORT COLD TAP

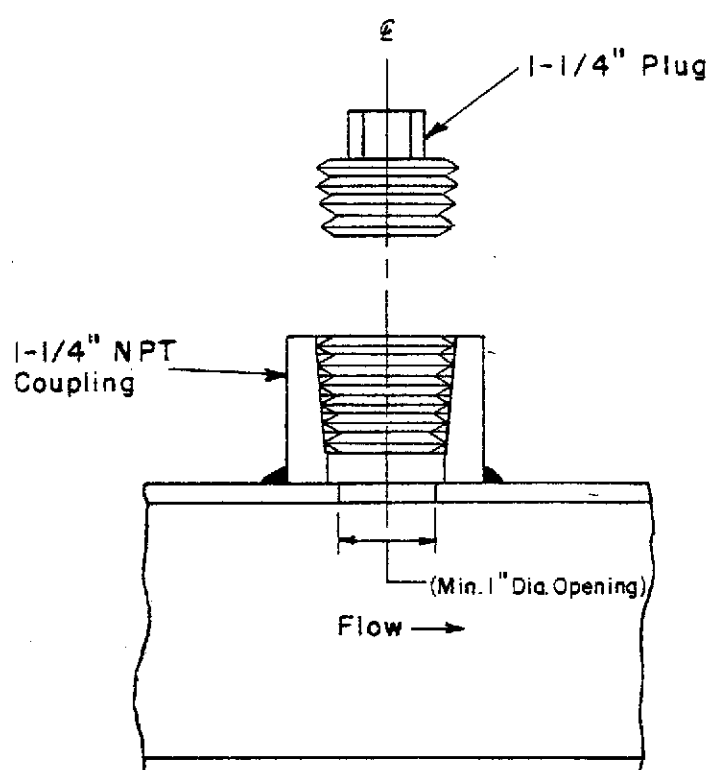
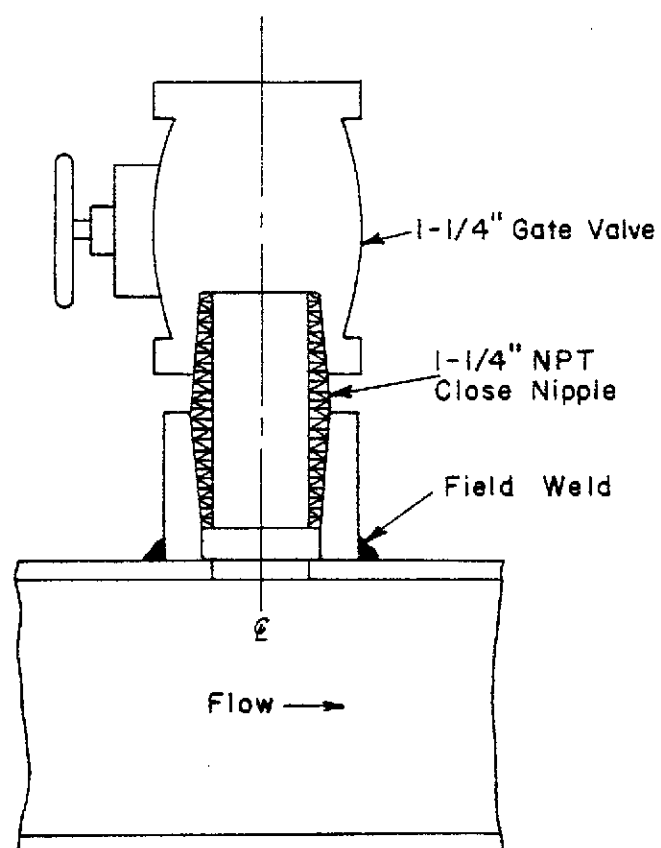


Figure 2

ACCESS PORT HOT TAP



BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 61-7263

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18th day of August, 1978.


C. STEPHEN ALLRED
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

July 28, 1980

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the Regional Office nearest to you.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL JR., P.E.
Supervisor, Water Allocations Section

DRT:jg

Enclosures

Northern Region Office
Rt. #5 Box 203, Government Way
Coeur d'Alene, Idaho 83814

Eastern Region Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Southern Region Office
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301

Western Region Office
92 South Cole Road
Boise, Idaho 83705

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

June 15, 1978

Simco Irrigation Company
c/o William L. York
3195 Beverly Street
Boise, ID 83705

Dear Mr. York:

Pursuant to your visit to this office today, please be advised that the Department has on file the following permits to develop a water right:

Permit No. 61-7264

Permit Holder: John G. Jr. &/or Laurice D. Bentz

Source: Groundwater

Rate of Diversion: 11.35 cfs

Use: Irrigation of 567.64 acres in Sec. 31 & 32, Twp. 2S, Rge. 5E

Proof of Beneficial Use Due: May 1, 1981

Permit No. 61-7263

Permit Holder: Robert E. &/or Betty F. Osborn

Source: Groundwater

Rate of Diversion: 3.39 cfs

Use: Irrigation of 169.39 acres in Sec. 6, Twp. 3S, Rge. 5E

Proof of Beneficial Use Due: May 1, 1981

Permit No. 61-7247

Permit Holder: Robert E. &/or Betty F. Osborn

Source: Groundwater

Rate of Diversion: 6.67 cfs

Use: Irrigation of 333.29 acres in Sec. 1, Twp. 3S, Rge. 4E

Proof of Beneficial Use Due: March 1, 1981

Permit No. 61-7202

Permit Holder: Robert E. &/or Betty F. Osborn

Source: Groundwater

Rate of Diversion: 3.2 cfs

Use: Irrigation of 160 acres in Sec. 36, Twp. 2S, Rge. 4E

Proof of Beneficial Use Due: December 1, 1979

MICROFILMED

In order to change the owners of record of these permits, the permit holders would have to complete an assignment form conveying their title in and to said permits to someone else such as to Simco Irrigation Co. Those assignments then should be filed with this Department.

I trust this answers your inquiry satisfactorily.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

1 March, 1977

Mr. Richard B. Eismann
Attorney at Law
P.O. Box 36
Homedale, Idaho 83628

Dear Mr. Eismann,

Enclosed are the copies of the permits that you requested in your letter of 24 February, 1977. I have included copies of the amendments to the permits where applicable.

You will note that most of the permits have not been assigned: 61-7195, 61-7196, 61-7247, 61-7263, and 61-7274. They still remain in the name of the applicants themselves. 61-7210 has been assigned to Hershal Trunnell.

You may remit the copying charges of \$8.00 to this office at your convenience.

Sincerely,

(Ms.) Kay Weaver
Chief Clerk, Water Rights

Encls.

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Robert Osborn

Address MT HONE

Owner's Permit No. 61-7263

7. WATER LEVEL

Static water level 242 feet below land surface

Flowing? ☐ Yes ☒ No G.P.M. flow _____

Temperature _____ ° F. Quality _____

Artesian closed-in pressure _____ p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

8. WELL TEST DATA

☒ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
2900	6.5 INCHES	2 HRS.

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Other (specify type)

☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

9. LITHOLOGIC LOG

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

Hole Diam.	Depth		Material	Water	
	From	To		Yes	No
30"	0	267	CLAY + SAND		X
	267	278	GRAY LAVA	X	
	278	280	BLACK CINDEFS	X	
	280	294	BLACK LAVA	X	
	294	298	RED CLAY		X
	298	385	BLACK LAVA	X	
	385	409	DK BROWN LAVA	X	

5. WELL CONSTRUCTION

Diameter of hole 20 inches Total depth 409 feet

Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
<u>1/4"</u> inches	<u>20</u> inches	+ <u>1.5</u> feet	<u>268</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☒ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No Size of gravel _____

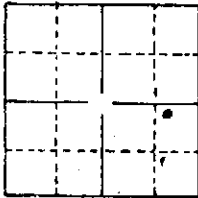
Placed from _____ feet to _____ feet

Surface seal depth 268 Material used in seal ☐ Cement grout ☒ Puddling clay ☐ Well cuttings

Sealing procedure used ☐ Slurry pit ☐ Temporary surface casing ☒ Overbore to seal depth

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County ELMORE

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1, T. 3 N/S, R. 4 E/W

10. Work started 16 Dec 76 finished 22 Jan 77

11. DRILLERS CERTIFICATION

Firm Name HIDDLESTON DRILLING Firm No. 35

Address ATT HOME TOWN Date 25 JAN 77

Signed by (Firm Official) Ken Hiddleston

and
(Operator) Richard L. Johnson



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

8 December, 1976

Mr. Richard B. Eismann
Attorney at Law
P.O. Box 36
Homedale, Idaho 83628

Dear Mr. Eismann,

With regard to the permits listed below, we do not show that the water rights have been assigned to anyone at this time.

61-7195	Herbert Montierth
61-7196	Elwood Wing
61-7210	Elwood Wing
61-7247	Robert and Betty Osborn
<u>61-7263</u>	Robert and Betty Osborn
61-7274	H.R. Montierth

Can you tell us how you discovered these rights had been assigned to Herschel Trunnell and wife?

Thank you very much.

Sincerely,

Kay Weaver

(Ms.) Kay Weaver
Chief Clerk, Water Rights

RECEIVED
DEC 10 1976
WATER RIGHTS

RECEIVED

DEC 8 1976

TELEPHONE 337-3135
AREA CODE 208

RICHARD B. EISMANN
ATTORNEY AT LAW
HOMEDALE, IDAHO

Department of Water Resources
POST OFFICE BOX 36
ZIP CODE 83628

DEC - 6 1976

State of Idaho
Department of Water Resources
State House
Boise, Idaho 83720

Gentlemen:

Attached hereto is a copy of a letter which I received from your office dated October 7, 1976.

I have been advised that all of the water rights therein mentioned have been assigned to Herschel Trunnell et ux.

Would you please review your records and advise as to whether or not this is correct.

Thank you for your attention to this matter.

Very truly yours,

Dictated by Mr. Eismann and
mailed without signature in his
absence to avoid delay.

Richard B. Eismann

RBE/imp

Enclosure:

RECEIVED
DEC 10 1976



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

October 7, 1976

Richard B. Eismann
Attorney at Law
P.O. Box 36
Homedale, ID 83628

Dear Mr. Eismann:

In response to your letter dated October 4, 1976, we have searched our records and have found the following rights located in the SE $\frac{1}{4}$, the NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of Section 36, Twp. 2S, Rge. 4E, B.M.

61-7195 - Herbert Montierth
61-7196 - Elwood Wing
61-7210 - Elwood Wing
61-7247 - Robert & Betty Osborn
61-7263 - Robert & Betty Osborn
61-7274 - H. R. Montierth

If you need any additional information, please do not hesitate to contact this office.

Sincerely,

TONYA BORUP
Senior Clerk

TB/mef

RECEIVED
OCT 10 1976
CLERK

May 28, 1976

Re: Permit No. 61-7263

Robert E. &/or Betty F. Osborn
885 East 17th North
Mountain Home, ID 83647

Dear Mr. and Mrs. Osborn:

Enclosed is a copy of your approved Application for Permit No. 61-7263 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 61-7263

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map corrected no additional comments
☒ Signature
☒ Fee

(1) ECB 5 April 76

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant

(4) ECB 5 April 76

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no ☒

(8) _____

Groundwater levels:

_____ Declining, ☒ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use none platted

(10) _____

Comments: _____

(11) RB _____

Affidavit of Publication received (date) 5-17-76

(12) _____

Final date for protests 5-24-76

Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction

☒ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District W

By JH Date 5-24-76



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2190

April 29, 1976

Re: Claim to a Water Right No. 51-4007 - Ronald & Judith Petracek
Notice of Correction for Permit No. 61-7263 - Robert & Betty Osborn

Mountain Home News
Drawer C
Mountain, Home, ID 83647

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear in the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(Signature of Claimant)

Sincerely,

NOTICE OF CORRECTION

Notice is hereby given that notice of Application for Permit No. 61-7263 in the name of ROBERT &/or BETTY OSBORN was published in error on April 15 & 22, 1976.

The place of use was advertised as being within Gov't Lots 3, 4 & 5 Sec 6 T3S-R5E B.M. Whereas, the actual place of use is Gov't Lots 3, 4 & 5 and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 6 T3N-R5E B.M.

Any protest against approval of this application must be filed with the Idaho Department of Water Resources, Statehouse, Boise, ID 83720. on or before May 24, 1976.

R. KETH HIGGINSON

Director

Published in the Mountain Home News, Mountain Home, ID on May 5, 1976 and May 13, 1976



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2190

April 8, 1976

Re: Application for Permit No. 61-7263 --- Robert E. &/or Betty F. Osborn

Mountain Home News
Drawer 0'
Mountain Home, ID 83647

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear in the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

--- (Signature of Claimant) ---

Sincerely,

RECEIVED
APR 10 1976
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that ROBERT E. &/or BETTY F. OSBORN
Mountain Home, ID
has on April 1, 1976 submitted Application No. 61-7263
for a permit to appropriate 3.39 cubic feet per second ~~per second~~
~~per second~~ of water from a groundwater source
by means of well, pump, pipeline and sprinkler system
within the NE1/4 Sec 1 T3S-R4E & SE1/4 Sec 36 T2S-R4E, B.M. Elmore County

to be used from March 15 to November 15

for irrigation of 169.39 acres

within the ~~the~~ Government Lots 3, 4 & 5 Sec 6 T3S-R5E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before May 3, 1976.

R. KEITH HIGGINSON

Director

Published in the Mountain Home News, Mtn. Home, ID
on April 8 15, 1976 and April 22, 1976

RECEIVED

IDENT. NO. 61-7263

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG[illegible]